

Rārangi Take o te Kōmiti Aro- take Mahere ā-Rohe

District Plan Committee Agenda

Plan Change 3: Papakāinga Development
Hearing

Tuesday 11 March 2025 at 9 am

Wednesday 12 March 2025 at 9 am

Camberwell Lounge, TSB Hub, Camberwell Road, Hāwera



Ngā Mema o te Komiti / Committee Members



Andy Beccard
Chairperson



Steffy Mackay
Deputy Chairperson



Leanne Horo
Councillor



Aaron Langton
Councillor



Diana Reid
Councillor



Robert Northcott
Deputy Mayor



Tāne Houston
Iwi Representative

Apatono / Delegations

- To consider and make recommendation to the Council on environmental policy matters relating to the Resource Management Act and the District Plan; and
- To hear all plan changes and make recommendations to the Council.

He Karere Haumaruru / Health and Safety Message

In the event of an emergency, please follow the instructions of Council staff.

If there is an earthquake – drop, cover and hold where possible. Please remain where you are until further instruction is given.

He Pānga Whakararu / Conflicts of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they might have.

Huinga Tāngata / Attendance Register

	Date	07/06/23	19/02/24
Meeting		O	O
Andy Beccard		√	A
Leanne Horo		√	√
Aarun Langton		√	√
Steffy Mackay		√	√
Robert Northcott		√	√
Diana Reid		X	√
Tāne Houston - Iwi Representative		√	√

Key

- √ Attended
- AO Attended Online
- Was not required to attend
- A Apology
- Y Attended but didn't have to attend
- X Did not attend - no apology given

Types of Meetings

- O Ordinary Council Meeting
- E Extraordinary Council Meeting



Rārangi Agenda

District Plan Committee

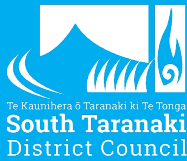
Tuesday 11 March 2025 at 9 am
Wednesday 12 March 2025 at 9 am

1. **Karakia**
2. **Matakore / Apologies**
3. **Tauākī Whakarika / Declarations of Interest**
4. **Hearing Schedule**
 - 4.1 [Hearing Schedule](#) Page 9
5. **Section 32 Report**
 - 5.1 [Section 32 Report – Papakāinga Development](#)..... Page 11
6. **Submissions**
 - 6.1 [Submitter 2 – Richard Buttimore for Parininihi ki Waitōtara Incorporation](#)..... Page 72
 - 6.2 [Submitter 3 - Te Aorangi Dillon for Te Korowai o Ngaruahine Trust](#)..... Page 82
 - 6.3 [Submitter 4 - Health NZ National Public Health Service Te Manawa Taki - for Health New Zealand / Te Whatu Ora](#)..... Page 102
 - 6.4 [Submitter 5 - Kainga Ora - Homes and Communities](#)..... Page 106
 - 6.5 [Submitter 6 - Tane Manukonga for Nga Mahanga Hapu](#)..... Page 123
 - 6.6 [Submitter 7 - Karl Adamson for Ngāti Hāua Hapū](#)..... Page 131
 - 6.7 [Submitter 8 - Petrus Johannes Franciscus Rodeka](#) Page 161
 - 6.8 [Submitter 9 - Ngawai Terry for Te Kahui o Taranaki Trust](#) Page 163
7. **Further Submissions**
 - 7.1 [Further Submitter 10 - Ngahina Capper](#) Page 176
 - 7.2 [Further Submitter 11 - Richard Buttimore for Parininihi Ki Waitōtara Incorporation](#) ... Page 183
 - 7.3 [Further Submitter 12 - Karl Adamson for Ngāti Hāua Hapū](#)..... Page 190
8. **Section 42A Report**
 - 8.1 [Section 42A Report – Plan Change 3: Papakāinga Development](#) Page 200

9. Statement of Evidence

9.1	Sub No. 2 – Statement of Evidence - Parininihi ki Waitōtara	Page 529
9.2	Sub No. 6 – Statement of Evidence - Ngā Māhanga	Page 534
9.3	Sub No. 9 - Statement of Evidence – Te Kāhui O Taranaki Trust	Page 537
9.4	Further Sub No. 10 – Statement of Evidence – Ngāhina Capper	Page 540
9.5	Sub No. 7 - Statement of Evidence – Ngāti Hāua Hapū (1)	Page 545
9.6	Sub No. 7 - Statement of Evidence – Ngāti Hāua Hapū (2)	Page 550
9.7	Sub No. 3 - Statement of Evidence - Te Korowai o Ngāruahine Trust	Page 559

10. Karakia



Karakia

1. Karakia

Ruruku Timata – Opening Prayer

(Kia uruuru mai ā-hauora,
ā-haukaha, ā-hau māia)

Ki runga

Ki raro

Ki roto

Ki waho

Rire rire hau

Paimārire

*(Fill me with vitality)
strength and bravery)*

Above

Below

Inwards

Outwards

The winds blow & bind us

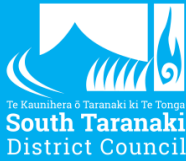
Peace be with us.



Matakore Apologies

2. Matakore / Apologies

Leave of Absence: *The Board may grant a member leave of absence following an application from that member. Leave of absences will be held in the Public Excluded section of the meeting.*



Ngā Whakaputanga

Declarations of Interest

3. Tauākī Whakarika / Declarations of Interest

Notification from elected members of:

- a) Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and
- b) Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

Declarations of Interest: Notification from elected members of: Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

Day 1 - Tuesday 11 March 2025

9.00 – 9.15 am	Opening Karakia Opening address from Commissioners Health and Safety Message			
9.15 – 9.45 am	S42A Reporting Officer's Opening Comments and Council legal submissions			Brief introduction Sarah Capper-Liddle (South Taranaki District Council) Legal submissions Matt Conway (Simpson Grierson)
	Submission Number	Further Submission Number	Submitter Name	Speaker/s
9.55 – 10.25 am	Submitter 2	Further Submitter 11	Richard Buttimore for Parininihi Ki Waitōtara Incorporation	Richard Buttimore
Morning break 11.05 – 11.35 pm				
10.35 – 11.05 am	Submitter 3		Te Aorangi Dillon for Te Korowai o Ngāruahine Trust	Te Aorangi Dillon
11.15 am – 11.45 pm	Submitter 4		Health NZ National Public Health Service Te Manawa Taki – for Health New Zealand / Te Whatu Ora	Ngamata Skipper
Lunch 12.00 – 12.45 pm				
1.00 – 1.30 pm	Submitter 5		Kāinga Ora – Homes and Communities	Brendon Liggett
1.40 pm – 2.10 pm	Submitter 6		Tāne Manukonga for Ngā Mahanga Hapū	Tāne Manukonga
2.20 pm – 2.50 pm	Submitter 7	Further Submitter 12	Karl Adamson for Ngāti Hāua Hapū	Karl Adamson Sarah Mako

Day 2 - Wednesday 12 March 2025

9.00 – 9.15 am	Opening Karakia Opening address from Commissioners Health and Safety Message			
	Submission Number	Further Submission Number	Submitter	Speaker/s
9.15 – 9.45 am	Submitter 8		Petrus Johannes Franciscus Rodeka	Peter Rodeka
9.55 – 10.25 am	Submitter 9		Ngawai Terry for Te Kāhui o Taranaki Trust	Ngawai Terry Sean Zieltjes
Morning break 10.35 – 11.00 am				
11am – 11:30am		Further Submitter 10	Ngahina Capper	Ngahina Capper
Lunch break 11:30 am – 12:30pm				
12:30pm – 1:15pm	S42A Reporting Officer's closing comments and verbal reply Closing karakia			Sarah Capper-Liddle (South Taranaki District Council)
<i>The open part of the meeting is now closed and the Committee will move into deliberations on Thursday 13 March 2025</i>				

Submitters who have advised non-attendance:

Section 32 Report

Papakāinga Development

Proposed South Taranaki District Plan – Plan Change 3

25 March 2024

Contents

1.0	Executive Summary	1
2.0	Introduction	3
3.0	Statutory and Policy Context	3
3.1	Resource Management Act	3
3.2	National Direction	5
3.2.1	National Policy Statements	5
3.2.2	National Environmental Standards	14
3.2.3	National Planning Standards	14
3.2.4	National Guidance Documents	15
3.3	Regional Direction	16
3.3.1	Regional Policy Statement for Taranaki 2010	16
3.3.2	Regional Plans	17
3.4	South Taranaki Policies, Plans and Strategies	19
3.4.1	Iwi Management Plans	19
3.4.2	Statutory Acknowledgements	22
3.4.3	Any other relevant local plans or strategies (adopted by the council under the local government act powers)	22
3.5	Other legislation or regulations	22
4.0	Resource Management Issues Analysis	25
4.1	Background	25
4.2	Evidence base	26
4.2.1	Analysis of Operative District Plan provisions	26
4.2.2	Analysis of other District Plan provisions relevant to this topic	27
4.2.3	Advice received from Iwi	32
4.2.4	Consultation	36
4.3	Summary of relevant resource management issues	37
5.0	Scale and significance	39

5.1	Evaluation of scale and significance	39
5.2	Quantification of Benefits and Costs	42
6.0	Proposed provisions	42
6.1	Strategic Directions	42
6.2	Overview of proposed provisions (Objectives, Policies and Rules)	43
7.0	Evaluation of the proposed objectives	44
8.0	Evaluation of proposed provisions	47
8.1	Evaluation	48
8.1.1	Provisions to achieve objectives relating to papakāinga development	49
9.0	Conclusion	58

Appendices

Appendix A: Section 1 Introduction and Definitions – Provisions

Appendix B: Section 2 Objectives and Policies – Provisions

Appendix C: Section 3 Rural Zone Rules – Provisions

Appendix E: Section 4 Residential Zone Rules – Provisions

Appendix F: Section 5 Township Zone Rules – Provisions

Appendix G: Section 6 Commercial Zone Rules – Provisions

Appendix H: Section 20 Resource Consent Information Requirements and Assessment Matters – Provisions

Appendix I: Ngā Kaitiaki Meeting Minutes

1.0 Executive Summary

This Section 32 evaluation report is focused on papakāinga development within the South Taranaki district and relates to Proposed District Plan Change 3 (PC3). The Operative District Plan was last reviewed in 2014 and made operative in January 2021, which introduced papakāinga development provisions into the district.

The operative provisions are summarised as follows:

- A papakāinga development definition;
- A marae definition that enables marae-based papakāinga development;
- Objectives and policies enabling of development by tāngata whenua including the development of papakāinga housing;
- Papakāinga development introduced as a permitted activity within the Rural, Residential, Township and Commercial Zone chapters;
- Assessment matters for land use applications relating to papakāinga development and redevelopment introduced in Section 20: Resource Consent Information Requirements and Assessment Matters.

Since these provisions were added there have been various papakāinga developments enabled as permitted activities or requiring resource consent. With an increasing interest in the district for papakāinga developments, a review of the current provisions will ensure the District Plan is sufficiently enabling of papakāinga, enforces relevant statutes, and reflects the aspirations of tāngata whenua.

This plan change was prepared following an analysis of the operative district plan and the district plans of other councils facing similar resource management issues relating to papakāinga development, and through consultation. Consultation was undertaken with Te Puni Kokiri and with the district's Iwi Authorities through an iwi partnership arrangement referred to as Ngā Kaitiaki. Ngā Kaitiaki assisted Council throughout the evaluation process to formulate the proposed provisions to the Proposed District Plan.

The proposed provisions are summarised as follows:

- New and reworded definitions relating to papakāinga development;
- New and reworded objectives and policies within *Section 2.7 Tāngata Whenua*;
- Changes to density (net site area) performance standards in the Residential and Township Zones, and maximum number of dwelling unit performance standard exemption introduced in Township Zone for papakāinga developments.
- Within the Rural, Residential, Township and Commercial Zone chapters:

- Papakāinga development is a permitted activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are met.
- Papakāinga development is a controlled activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are not met.
- Papakāinga development on General Title Land is a restricted discretionary activity.

An evaluation of these proposed provisions in this plan change has found that they are the most appropriate way to enable papakāinga development in a way that appropriately manages adverse effects on the surrounding environment than the existing provisions and any alternative options available. The evaluation also found the proposed provisions will assist the Council to better meet its statutory obligations, including Sections 6(e) and 6(g) of the RMA. Because the provisions were drafted alongside consultation with tāngata whenua, they are reflective of their aspirations. Overall, the proposed provisions fulfil the purpose of this plan change in addressing the identified resource management issues relating to papakāinga developments in the district.

2.0 Introduction

Section 32 (s32) of the Resource Management Act 1991 (RMA) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies, rules, and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness, and risk in achieving the objectives. The analysis set out in this report fulfils the obligations of the Council under s32 of the RMA.

The current approach to papakāinga development is a suite of provisions distributed throughout the District Plan that enables Papakāinga development provided certain requirements are met. The purpose of this plan change is to amend the current provisions to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the surrounding environment.

The Council established an Iwi partnership arrangement referred to as 'Ngā Kaitiaki' to develop the new proposed provisions for the papakāinga development plan change. Ngā Kaitiaki consisted of representatives from each Iwi Authority in the district to provide input on the plan change, including the draft provisions and evaluating the benefits, costs, efficiency, and effectiveness of the options.

The report sets out the trends and issues for papakāinga development, provides an overview of the statutory and policy context, and specific engagement and consultation on this topic. The report also includes a review of the existing Plan provisions and evaluation of alternatives to determine the most appropriate way(s) in achieving the purpose of the Act in relation to papakāinga development matters.

3.0 Statutory and Policy Context

3.1 Resource Management Act

As set out in the introduction, an evaluation is required of how the proposal achieves the purpose and principles in Part 2 of the RMA. This requires consideration of sections 5 to 8 of the RMA.

Section 5 sets out the purpose of the RMA which is to promote sustainable management of natural and physical resources.

Section 6 requires all persons exercising functions and powers under the RMA to recognise and provide for specified matters of national importance. The section 6 matters relevant to this Papakāinga Development Plan Change are:

Section	Relevant matter and applicability
Section 6(e)	<p>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.</p> <p>Papakāinga Development occurs on ancestral land (including Māori freehold land, Māori customary land and Crown land reserved for Māori). District Plan provisions can enable Papakāinga Development which enable Māori to reconnect with their ancestral land and relationship with water and other taonga.</p>
Section 6(g)	<p>The protection of protected customary rights.</p> <p>Many Māori in South Taranaki have lived on land in this district for many years, obtaining customary rights to the land. District Plan provisions can enable papakāinga development for Māori with customary rights to their land.</p>

Section 7 requires all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to have particular regard to a range of matters. The section 7 matters relevant to this Papakāinga Development Plan Change are:

Section	Relevant matter
Section 7(a)	<p>Kaitiakitanga.</p> <p>Enabling papakāinga will improve opportunities for Tāngata Whenua to exercise Kaitiakitanga over their ancestral lands and customary rights and decide how they can be developed upon.</p>
Section 7(c)	<p>The maintenance and enhancement of amenity values.</p> <p>Enabling further development of papakāinga may affect the amenity values of the existing surrounding areas of a proposed site for development. Objectives, policies and rules could ensure adverse effects on amenity values are maintained and enhanced.</p>

Section	Relevant matter
Section 7(f)	<p>Maintenance and enhancement of the quality of the environment.</p> <p>Enabling further development of papakāinga may change the character of existing surrounding areas of a proposed site for development. Objectives, policies and rules could ensure adverse effects on the character of surrounding areas are maintained and enhanced.</p>

Section 8 requires local authorities to take into account the principles of the Treaty of Waitangi. Tāngata whenua, through iwi authorities have been consulted as part of the plan change preparation process. This consultation has informed the s32 evaluation, and the obligation to make informed decisions based on that consultation is noted. Including papakāinga provisions that enable tāngata whenua to exercise greater control over the development of Māori land.

3.2 National Direction

Under Section 75(3) of the RMA, the District Plan must give effect to National Policy Statements, the New Zealand Coastal Policy Statement and the National Planning Standards. In addition, under Section 74(1)(ea) and (f) of the RMA, the Council must prepare and change its District Plan in accordance with National Policy Statements, the New Zealand Coastal Policy Statement, the National Planning Standards and National Environmental Standards. The following sections outline the parts of National Direction that are relevant to proposed PC3.

3.2.1 National Policy Statements

The National Policy Statements relevant to this proposed plan change are:

NPS	Relevant Objectives / Policies
National Policy Statement on Urban Development 2020	<p>The National Policy Statement on Urban Development 2020 has been considered relevant because papakāinga developments can occur within Hāwera, the district's sole urban environment as defined in this policy statement.</p> <p>Specifically, the following clauses are relevant to papakāinga development:</p>

NPS	Relevant Objectives / Policies
	<p>Objective 5: <i>Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i></p> <p>Policy 1: <i>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</i></p> <ul style="list-style-type: none"> <i>(a) have or enable a variety of homes that:</i> <ul style="list-style-type: none"> <i>(ii) enable Māori to express their cultural traditions and norms;</i> <p>Policy 9: <i>Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</i></p> <ul style="list-style-type: none"> <i>(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</i> <i>(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</i> <i>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</i> <i>(d) operate in a way that is consistent with iwi participation legislation.</i>
<p>National Policy Statement for Freshwater Management 2020</p>	<p>The National Policy Statement for Freshwater Management 2020 has been considered because developments can occur in proximity to existing waterbodies, some with identified natural hazard values, which could impact freshwater.</p> <p>Provisions will continue to be in place to set development and location controls. This includes setbacks from waterbodies, building coverage to control stormwater runoff effects, and on-site stormwater and wastewater management will be necessary where reticulated services are unavailable.</p>

NPS	Relevant Objectives / Policies
	<p>The following clauses are relevant to papakāinga development:</p> <p>Policy 15: <i>Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.</i></p>
<p>New Zealand Coastal Policy Statement 2010</p>	<p>The New Zealand Coastal Policy Statement is important to consider because developments could occur within the district’s coastal environments. The coastal marine area is significant to many iwi within the district, however the coast is also subject to natural hazards.</p> <p>Provisions will continue to set development and location controls for buildings and structures located in the district’s Coastal Protection Area.</p> <p>The following clauses are relevant to papakāinga development:</p> <p>Objective 3</p> <p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> • <i>recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i> • <i>promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i> • <i>incorporating mātauranga Māori into sustainable management practices; and</i> • <i>recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i> <p>Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage</p>

NPS	Relevant Objectives / Policies
	<p><i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i></p> <p><i>(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations.</i></p> <p>Policy 6 Activities in the coastal environment</p> <p><i>(1) In relation to the coastal environment</i></p> <p><i>(d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;</i></p>
<p>National Policy Statement for Highly Productive Land 2022</p>	<p>The National Policy Statement for Highly Productive Land is relevant as South Taranaki features a high proportion of ‘highly productive land’ (Class I, II and III land). There are also implications for developments (including papakāinga) undertaken on different types of land owned by Māori – particularly general land owned by Māori. Specifically, the following clauses are relevant to papakāinga development:</p> <p>1.3 Interpretation</p> <p><i>(1) In this National Policy Statement:</i></p> <p>specified Māori land means land that is any of the following:</p> <p><i>(a) Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</i></p> <p><i>(b) land vested in the Māori Trustee that—</i></p> <p><i>(i) is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and</i></p> <p><i>(ii) remains subject to that Act:</i></p> <p><i>(c) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(d) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):</i></p> <p><i>(e) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:</i></p> <p><i>(f) land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land.</i></p> <p>3.9 Protecting highly productive land from inappropriate use and development.</p> <p><i>(1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.</i></p> <p><i>(2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:</i></p> <ul style="list-style-type: none"> <i>(a) it provides for supporting activities on the land:</i> <i>(b) it addresses a high risk to public health and safety:</i> <i>(c) it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:</i> <i>(d) it is on specified Māori land:</i> <i>(e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:</i> <i>(f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality:</i> <i>(g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:</i> <i>(i) it provides for public access:</i> <p><i>(3) Territorial authorities must take measures to ensure that any use or development on highly productive land:</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and</i></p> <p><i>(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.</i></p> <p><i>(4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.</i></p>
<p>National Policy Statement for Indigenous Biodiversity</p>	<p>The National Policy Statement for Indigenous Biodiversity is relevant as developments could occur within or in proximity to Significant Natural Areas or areas containing indigenous biodiversity.</p> <p>Existing provisions are in place to prevent clearance, modification, damage and destruction to indigenous vegetation within and outside of identified SNAs should developments create these effects. Additional assessments will be made under the relevant clauses of this national policy statement, which may vary depending on if the site is considered specified Māori land.</p> <p>Specifically, the following clauses are relevant to papakāinga development:</p> <p>1.6 Interpretation</p> <p><i>(1) In this National Policy Statement:</i></p> <p>specified Māori land means land that is any of the following:</p> <p><i>(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</i></p> <p><i>(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</i></p> <p><i>(c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:</i></p> <p><i>(d) Land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(e) Land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):</i></p> <p><i>(f) The maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:</i></p> <p><i>(g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):</i></p> <p style="padding-left: 40px;"><i>(i) As part of redress for the settlement of Treaty of Waitangi claims; or</i></p> <p style="padding-left: 40px;"><i>(ii) By the exercise of rights under a Treaty settlement Act or Treaty settlement deed.</i></p> <p>3.10 Managing adverse effects on SNAs of new subdivision, use, and development</p> <p><i>(1) This clause applies to any new subdivision, use, or development that is in, or affects, an SNA, except as provided in:</i></p> <p style="padding-left: 40px;"><i>(b) Clauses 3.12 and 3.18 (about SNAs on specified Māori land); and</i></p> <p><i>(2) Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11:</i></p> <p style="padding-left: 40px;"><i>(a) Loss of ecosystem representation and extent:</i></p> <p style="padding-left: 40px;"><i>(b) Disruption to sequences, mosaics, or ecosystem function</i></p> <p style="padding-left: 40px;"><i>(c) Fragmentation of SNAs or the loss of buffers or connections within an SNA:</i></p> <p style="padding-left: 40px;"><i>(d) Reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:</i></p> <p style="padding-left: 40px;"><i>(e) A reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.</i></p> <p><i>(3) Any adverse effects on an SNA of a new subdivision, use, or development that are not referred to in subclause (2), or that occur</i></p>

NPS	Relevant Objectives / Policies
	<p><i>as a result of the exceptions in clause 3.11, must be managed by applying the effects management hierarchy.</i></p> <p><i>(4) Where adverse effects on an SNA are required to be managed pursuant to subclause (3) by applying the effects management hierarchy, an applicant must be required to demonstrate:</i></p> <p style="padding-left: 40px;"><i>(a) How each step of the effects management hierarchy will be applied; and</i></p> <p style="padding-left: 40px;"><i>(b) If biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 3 and 4 and has had regard to the remaining principles in Appendix 3 and 4, as appropriate.</i></p> <p>3.16 Indigenous biodiversity outside SNAs</p> <p><i>(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.</i></p> <p><i>(2) All other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA (other than indigenous biodiversity on specified Māori land (see clause 3.18)), must be managed to give effect to the objective and policies of this National Policy Statement.</i></p> <p><i>(3) Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.</i></p> <p>3.18 Specified Māori land</p> <p><i>(1) Local authorities must work in partnership (which includes acting in good faith) with tangata whenua and owners of specified Māori land to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:</i></p> <p style="padding-left: 40px;"><i>(a) maintain and restore indigenous biodiversity on specified Māori land; and</i></p> <p style="padding-left: 40px;"><i>(b) protect SNAs and identified taonga on specified Māori land.</i></p>

NPS	Relevant Objectives / Policies
	<p><i>(2) Objectives, policies, and methods developed under this clause must:</i></p> <p><i>(c) enable new occupation, use, and development of specified Māori land to support the social, cultural, and economic wellbeing of tangata whenua; and</i></p> <p><i>(d) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and</i></p> <p><i>(e) enable alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs and identified taonga on specified Māori land, and enable options for offsetting and compensation; and</i></p> <p><i>(f) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands; and</i></p> <p><i>(g) recognise that there are circumstances where development will prevail over indigenous biodiversity; and</i></p> <p><i>(h) recognise and be responsive to any recognised historical barriers tangata whenua have faced in occupying, using, and developing their ancestral lands.</i></p> <p><i>(3) The decision-maker on any resource consent application must, when considering matters affecting specified Māori land, take into account all the matters in subclause (2).</i></p> <p><i>(4) Subclauses (2) and (3) do not apply to specified Māori land to the extent that the land is subject to full or partial legal protection under legislation for the purpose of protecting indigenous biodiversity on that land (such as, for example protection provided by covenants or land classifications under the Reserves Act 1977, the Conservation Act 1987, or the National Parks Act 1980).</i></p> <p><i>(5) Local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SNAs and identified taonga, on specified Māori land.</i></p> <p><i>(6) Policy statements and plans developed for the purpose of this clause do not prevail over any management strategies or plans</i></p>

NPS	Relevant Objectives / Policies
	<p><i>developed in the legislation referred to in paragraphs (e) and (f) of the definition of specified Māori land.</i></p> <p><i>(7) In subclause (1), owners of specified Māori land include managers of lands referred to in paragraphs (e) and (f) of the definition of specified Māori land, and any trustee of specified Māori land.</i></p>

3.2.2 National Environmental Standards

There are no National Environmental Standards of direct relevance to this topic.

3.2.3 National Planning Standards

The following National Planning Standards (NPS) were considered for papakāinga development:

Zone	Description
Māori purpose zone	<p><i>Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.</i></p>

The introduction of a Māori Purpose Zone (as part of the Special Purpose Zoning) for development on sites owned by tāngata whenua was considered, however, through consultation with iwi a Māori Purpose Zone was not supported. For this plan change, the decision has been to continue with papakāinga development rules in specific zones already existing within the South Taranaki District Plan rather than implementing a special purpose zoning from the NPS.

The National Planning Standards’ 8. Zone Framework Standard section requires that an additional special purpose zone must only be created when the following criteria is met:

- a. Are significant to the district, region or country.
- b. Are impractical to be managed through another zone.
- c. Are impractical to be managed through a combination of spatial layers.

It was considered that it was still practical for papakāinga development land use activities to be managed through other zones at this time. The wider purpose of this plan change was not to fully implement the NPS either; that will be done at a later date.

3.2.4 National Guidance Documents

The following national guidance and strategy documents are relevant to this plan change:

Document	Author/Owner	Summary
National Policy Statement for Highly Productive Land: Information on what it means for Māori and Māori land	Ministry for the Environment (2022)	This document briefly describes how the National Policy Statement for Highly Productive Land will affect the varying types of land owned by Māori, where some land statuses are exempt from NPS-HPL restrictions on development.
National Policy Statement for Highly Productive Land: Information on changing the status of Māori land and rezoning land to Māori purpose zone	Ministry for the Environment (2022)	This document briefly describes how restrictions under the NPS-HPL will no longer be in effect should land and zone statuses be changed. This includes how the changing of land status from 'general land owned by Māori' to 'Māori freehold land' will no longer restrict the activities on this land under the NPS-HPL, and that should highly productive land be changed to Māori purpose zoning, this land would be excluded from NPS-HPL development restrictions.
National Policy Statement for Highly Productive Land: Guide to implementation	Ministry for the Environment (2022)	This document briefly provides guidance on assessing activities and types of land against the NPS-HPL. This includes guidance on how to assess 'specified Māori land' against the NPS-HPL.
National Policy Statement for Indigenous Biodiversity: Information for tangata whenua	Ministry for the Environment (2023)	This document briefly describes how activities triggered under the NPS-IB may be less restrictive depending on the type of land owned by Māori. This includes requirements for Councils to apply alternative, flexible approaches for activities on Māori land where development will support the social, economic and cultural wellbeing of tangata whenua

Document	Author/Owner	Summary
		while maintaining and protecting indigenous biodiversity.
MAIHI Ka Ora: The National Māori Housing Strategy	Ministry of Housing and Urban Development (2021)	<p>This document seeks for all whānau to have safe, healthy, affordable homes with secure tenure, across the Māori housing continuum. It identifies challenges facing Māori housing and directs how these challenges can be overcome.</p> <p>Papakāinga development falls under two of these challenges – Māori Housing Supply and Māori Housing Sustainability.</p> <p>Papakāinga development provides a solution for Māori housing supply that could also be made more energy-efficient and self-sustaining to increase their sustainability.</p> <p>Council’s existing and new provisions have been designed to be more enabling of papakāinga development within the district where possible, and considerations for self-sustainability where developments are unable to connect to Council services.</p>

3.3 Regional Direction

Under Section 75(4)(c) of the RMA the District Plan must give effect to the Regional Policy Statement.

3.3.1 Regional Policy Statement for Taranaki 2010

The table below identifies the relevant provisions and resource management topics for Papakāinga Development contained in Section 16 of the RPS.

Objective/Policy	Relevant matters
TOW OBJECTIVE 1	<i>To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Resource Management Act.</i>
TOW POLICY 2	<i>Management of natural and physical resources in the Taranaki region will be carried out in a manner that takes into account the</i>

Objective/Policy	Relevant matters
	<i>principles of the Treaty of Waitangi, including the principles of kawanatanga, rangatiratanga, partnership, active participation, resource development and spiritual recognition.</i>
REL OBJECTIVE 1	<i>To recognise and provide for the cultural and traditional relationship of Māori with their ancestral lands, water, air, coastal environment, wāhi tapu and other sites and taonga within the Taranaki region.</i>
16.3 RECOGNISING AND PROVIDING FOR THE RELATIONSHIP OF MĀORI WITH ANCESTRAL LANDS, WATER, SITES, WĀHI TAPU AND OTHER TAONGA	<i>Ancestral lands are not restricted to land currently in Māori ownership but may also include lands traditionally occupied by iwi and hapu. In managing the land resources of Taranaki, opportunities must be provided for tangata whenua to use and develop their land in accordance with their culture and traditions, providing for appropriate development of marae, papakainga and whare wānanga on tūrangawaewae and protecting wāhi tapu and other resources and places of cultural values from the adverse effects of land use.</i>
REL POLICY 1	<i>The development, use or protection of iwi and hapu land will be supported in a manner, which is consistent with the purpose of the Act.</i>
REL POLICY 2	<i>The aspirations of iwi and hapu concerning the development of marae, papakainga, kaumatua housing, whare wānanga, water supplies and other facilities on iwi and hapu land will be recognised and supported.</i>
REL POLICY 3	<i>Wāhi tapu and other sites or features of historical or cultural significance to iwi, and hapu and the cultural and spiritual values associated with ancestral lands, fresh water, air and the coast, will be protected from the adverse effects of activities, as far as is practicable and in a manner, which is consistent with the purpose of the Act.</i>

3.3.2 Regional Plans

Under Section 75(4)(b) of the RMA a District Plan must not be inconsistent with a regional plan.

Taranaki currently has four operative regional plans as below:

- Regional Fresh Water Plan
- Regional Soil Plan

- Regional Coastal Plan for Taranaki 2023
- Regional Air Quality Plan

Each plan that is relevant to this plan change is addressed in the table below.

Regional Fresh Water Plan for Taranaki	
Section	Relevant matter(s)
4.1 Objectives	<p><i>Objective 4.1.1</i> relates to tāngata whenua and their relationship and values associated with water.</p> <p>This can be relevant on ancestral sites and Māori land where papakāinga development has or may occur in proximity to waterbodies.</p>
4.2 Policies	<p><i>Policy 4.1.1</i> relates to sites of significance and values of tāngata whenua associated with freshwater to be protected from adverse effects.</p> <p>Where papakāinga development occurs in proximity to significant waterbodies, development controls within the District Plan will reduce any potential adverse effects to these waterbodies.</p>
Regional Coastal Plan for Taranaki 2023	
Section	Relevant matter(s)
4 Objectives	<p><i>Objective 2: Use and development</i></p> <p><i>Objective 9: Relationship of tangata whenua with the coastal environment</i></p> <p>Where papakāinga development occurs in the coastal environment, the effects will be appropriately managed by the existing and proposed provisions within the Operative and Proposed District Plan.</p>
5.1 General Policies	<p><i>Policy 5(e)</i> under <i>Policy 5: appropriate use and development</i> relates to how the activity recognises and provides for the relationships, uses and practices of Māori with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment.</p> <p><i>Policy 19: Relationship of tangata whenua</i> (culture, values and traditions with the coastal environment).</p> <p>Where papakāinga development occurs in the coastal environment, the effects will be appropriately managed by the existing and proposed provisions within the Operative and Proposed District Plan.</p>

	Should these activities require resource consent, the assessment will consider how the activity impacts tāngata whenua.
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3.4 South Taranaki Policies, Plans and Strategies

3.4.1 Iwi Management Plans

Under s74(2A) of the RMA, the Council must take into account any relevant planning document that is recognised by an iwi authority and lodged with the Council (Iwi Management Plans). All four iwi of the South Taranaki district (Ngāruahine, Taranaki, Ngāti Ruanui, and Ngaa Rauru) have an Iwi Management Plan, although not all contain provisions relevant for Papakāinga Development. The table below summarises the Iwi Management Plans that contain provisions that are considered relevant to the plan change.

Iwi Management Plan	Relevant Provisions
Te Korowai o Ngāruahine Trust - <i>Te Uru Taiao o Ngāruahine (Ngāruahine Kaitiaki Plan 2021)</i>	<p>There are many directions relating to papakāinga development within this Iwi Management Plan. The most relevant to this plan change are as follows:</p> <p>Issues</p> <p><i>While Papakāinga development is a permitted activity under relevant District Council plans, there are still several barriers to realising Papakāinga within our rohe including:</i></p> <ul style="list-style-type: none"> <i>A lack of Papakāinga specific objectives in regional and territorial planning documents;</i> <i>The costs of infrastructure provision to marginal, Māori land; (pg 31).</i> <p>Objectives</p> <p><i>1f. Ngāruahine cultural values and interests, including Papakāinga development and mahinga kai. (pg 31).</i></p> <p>Plan implementation and review</p> <p>Method 3</p> <p><i>TKoNT encourages all district councils to work with Hapū to determine the appropriate locations for Papakāinga housing development. It is our expectation that zoning in the District Plans will reflect collaboration and</i></p>

	<p><i>a long-term vision for the development of Papakāinga in our rohe. (pg 73).</i></p>
<p>Te Kāhui o Taranaki Iwi - <i>Taiao, Tairora</i></p>	<p>The Iwi Management Plan for Taranaki Iwi also contains a variety of directions that relate to this plan change. The most relevant are described below:</p> <p>11.2.3 Policies</p> <p><i>1. Marae, pa, papakāinga, businesses, kura/kopae and events of Taranaki Iwi will work to become para kore by 2023;</i></p> <p><i>6. New papakāinga and other housing developments will promote sustainable living and, where possible, be characterised by the following attributes:</i></p> <ul style="list-style-type: none"> <i>i. Be para kore;</i> <i>ii. Be self and community sufficient;</i> <i>iii. Be built using low impact and passive design methods;</i> <i>iv. Generate their own power using green technologies;</i> <i>v. Have low to nil environmental impacts</i> <p><i>7. Taranaki Iwi will actively advocate for, and build, practical understanding of the benefits of papakāinga and sustainable living practices that promote healthy, self-determining whānau; (pg 23).</i></p> <p><i>8. Taranaki Iwi will support the development of papakāinga for their whānau;</i></p> <p>11.3.3 Policies</p> <p><i>2. Papakāinga will be developed to be community-sufficient and resilient using sustainable design and planting, and utilising practices of whakaparapara, hangarua, rongoā and communal gardens etc. aligned with approaches such as para kore.</i></p> <p>11.6.3 Policies</p> <p><i>5. Taranaki Iwi will support and facilitate marae and papakāinga to develop eco-nurseries and biodiversity restoration projects within the rohe;</i></p> <p>11.7.3 Policies</p> <p><i>1. Taranaki Iwi will support and facilitate the development of māra kai and māra rongoā, and organic practices with recycling and waste reducing and environmental protection associated with the kaupapa of</i></p>

	<p><i>Papa Kore at marae/pā, kura, kōhanga/kōpae, community spaces, papakāinga and homes within the Taranaki Iwi rohe.</i></p>
<p>Te Runanga o Ngāti Ruanui Trust - <i>Ngāti Ruanui Environmental Management Plan</i></p>	<p>The Iwi Management Plan for Ngati Ruanui does not specifically contain a direction for papakāinga development, however it does describe the values of iwi and an objective relating to developing land use provisions that can impact iwi land. These are described below.</p> <p>1.1 The values of Ngati Ruanui</p> <ul style="list-style-type: none"> • <i>Whakapapa – our identity and where we come from</i> • <i>Kaitiakitanga – sustainable guardianship over all resources for the use and enjoyment by future generations</i> <p>3.2 Objectives</p> <p><i>That local authorities develop and maintain mechanisms for sensitively and adequately addressing the requirements of Ngati Ruanui in respect of the management of natural and physical resources.</i></p>
<p>Te Kaahui o Rauru - <i>Puutiao Management Plan</i></p>	<p>This Iwi Management Plan also does not specifically contain direction for papakāinga development, yet there is a consideration for activities on land within the rohe of Ngaa Rauru that would affect them. The Plan also includes an overview of relevant legislation which addresses papakāinga. The relevant sections are stated below:</p> <p>3.4.2 Papatuaanuku</p> <p>Issues</p> <p><i>Ngaa Rauru Kiihahi considers all land within our rohe to be ancestral land. Even if we are not the ‘owners’ of the land we still have responsibilities and obligations as kaitiaki, therefore inappropriate activities that have adverse impacts on Papatuaanuku are not acceptable.</i></p> <p>Policy 1.3</p> <p><i>TKOR will support Ngaa Rauru Kiihahi marae, whaanau and uki to achieve their environmental aspirations.</i></p> <p>4.3 Secondary Legislation</p> <p><i>Te Ture Whenua Maaori Act 1993: Under section 338 of the TTWMA, any Maaori freehold land or any general land may be set apart as a Maaori reservation for the purposes of a papakāinga, marae, urupa, meeting place, recreation ground, sports ground, bathing place, church site, building site, landing place, fishing ground, spring, well, timber reserve, catchment area or other source of water supply, place of cultural, historical or scenic interest, waahi tapu, or for any other specified purpose.</i></p>

3.4.2 Statutory Acknowledgements

Each iwi in the South Taranaki district (Ngāti Ruanui, Ngaa Rauru, Ngāruahine, and Taranaki Iwi) have settled claims with the Crown for breaches of the Treaty of Waitangi. As part of these deeds of settlement are statutory acknowledgements that acknowledge areas or sites where iwi have significant relationship and connection with. These areas are recognised under the Resource Management Act. Statutory acknowledgement areas are listed within the appendices of the operative District Plan.

Should papakāinga development be proposed on sites containing or adjoining areas subject to statutory acknowledgement, the relevant iwi entity would be consulted.

3.4.3 Any other relevant local plans or strategies (adopted by the council under the local government act powers)

Under Section 74(2)(a)(i) of the RMA the Council must have regard to management plans and strategies prepared under other Acts. There are no other STDC plans or strategies are relevant to this topic.

3.5 Other legislation or regulations

The following additional legislative / regulatory requirements are also relevant to this topic:

Legislation / Regulation	Relevant Provisions
<p><i>Te Ture Whenua Maori Act 1993</i></p> <p><i>Maori Land Act 1993</i></p>	<p>This Act is the primary legislation for Māori land. It aims to:</p> <ul style="list-style-type: none"> • Promote the retention and use of Māori land; • Facilitate the occupation, development, use and control of Māori land, taking into account the needs of all owners and their beneficiaries. • Section 129 under Part 6 sets out the status of land under this Act: <ul style="list-style-type: none"> ○ <i>For the purposes of this Act, all land in New Zealand shall have one of the following statuses:</i> <ul style="list-style-type: none"> ▪ <i>(a) Maori customary land:</i> ▪ <i>(b) Maori freehold land:</i> ▪ <i>(c) General land owned by Maori:</i> ▪ <i>(d) General land:</i> ▪ <i>(e) Crown land:</i> ▪ <i>(f) Crown land reserved for Maori.</i> ○ <i>(2) For the purposes of this Act, —</i> <ul style="list-style-type: none"> ▪ <i>(a) land that is held by Maori in accordance with tikanga Maori shall have the status of Maori customary land:</i> ▪ <i>(b) land, the beneficial ownership of which has been determined by the Maori Land Court by freehold order, shall have the status of Maori freehold land:</i> ▪ <i>(c) land (other than Maori freehold land) that has been alienated from the Crown for a subsisting estate in fee simple shall, while that estate is beneficially owned by a Maori or by a group of persons of whom a majority are Maori, have the status of General land owned by Maori:</i> ▪ <i>(d) land (other than Maori freehold land and General land owned by Maori) that has been alienated from the Crown for a subsisting estate in fee simple shall have the status of General land:</i> ▪ <i>(e) land (other than Maori customary land and Crown land reserved for Maori) that has not been alienated from the Crown for a</i>

	<p><i>subsisting estate in fee simple shall have the status of Crown land:</i></p> <ul style="list-style-type: none"> ▪ <i>(f) land (other than Maori customary land) that has not been alienated from the Crown for a subsisting estate in fee simple but is set aside or reserved for the use or benefit of Maori shall have the status of Crown land reserved for Maori.</i>
<i>Ngati Ruanui Claims Settlement Act 2003</i>	<p>This Act records the acknowledgements and apology given by the Crown to Ngati Ruanui and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 88-95 under Subpart 5 – Statutory acknowledgements and deeds of recognition • Schedule 4 Statutory acknowledgements and deeds of recognition • Schedules 5-9, which details each statutory acknowledgement area
<i>Ngaa Rauru Kiiitahi Claims Settlement Act 2005</i>	<p>This Act records the acknowledgements and apology given by the Crown to Ngaa Rauru and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 40-47 under Subpart 3 – Statutory acknowledgements and deeds of recognition • Schedule 3 Statutory areas for statutory acknowledgements • Schedules 4-11, which details each statutory acknowledgement area
<i>Ngaruahine Claims Settlement Act 2016</i>	<p>This Act records the acknowledgements and apology given by the Crown to Ngaruahine and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 30-37 under Subpart 2 – Statutory acknowledgement and deeds of recognition • Schedule 1 Statutory areas

<p><i>Taranaki Iwi Claims Settlement Act 2016</i></p>	<p>This Act records the acknowledgements and apology given by the Crown to Taranaki Iwi and gives effect to certain provisions of the deed of settlement.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Sections 30-37 under Subpart 2 – Statutory acknowledgement and deeds of recognition • Schedule 1 Statutory areas
<p><i>Building Act 2004</i></p>	<p>Under this Act, the Council ensures that all buildings, including papakāinga development, achieves the relevant performance criteria to ensure they are safe and sanitary.</p> <p>The following sections of the Act are relevant:</p> <ul style="list-style-type: none"> • Section 3 Purposes • Section 12 Role of building consent authority and territorial authority • Section 15, which outlines Part 2 Building • Sections 16-18, which details the building code purpose, building code compliance and performance criteria.

4.0 Resource Management Issues Analysis

4.1 Background

The existing provisions in the Operative District Plan have provided tāngata whenua with a pathway to develop papakāinga on their lands, however since the plan became operative in 2021 it has been identified through consultation with potential applicants that these provisions still create a barrier to develop papakāinga. This is particularly the case for those that occupy General Title Land.

This plan change for papakāinga development was considered necessary based on the following key issues:

- Issue 1: The existing provisions no longer reflect the development aspirations of tāngata whenua.
- Issue 2: Under the operative district plan provisions, it is challenging for Māori to undertake papakāinga developments on their lands held under General Title.

- Issue 3: The existing provisions may no longer be up to date to enforce all relevant statutes.

The aim of the papakāinga development plan change is to update the papakāinga development provisions to ensure the District Plan is sufficiently enabling of papakāinga, enforces relevant statutes, and reflects the aspirations of tāngata whenua; but also responds well to any other resource management issues identified following further assessment and consultation.

4.2 Evidence base

The Council has reviewed the Operative District Plan in relation to papakāinga development, identified issues associated with the current provisions, worked in partnership with Ngā Kaitiaki group through workshops to better understand issues and options, and reviewed approaches taken in other district plans to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.

The following sections outline this evidence.

4.2.1 Analysis of Operative District Plan provisions

4.2.1.1 Overview of Operative District Plan provisions

Within the STDC Operative District Plan, the following Sections and Provisions relate to PC3.

- Section 1 Introduction and Definitions

The definitions section contains the papakāinga development definition. Under this definition, papakāinga is limited to the land use activities and type of buildings and land status described in this definition.

- Section 2 Objectives and Policies

Section 2.7 contains the tāngata whenua issues, objectives and policies that are relevant to PC3 as it identifies the challenges for development by Māori and contains methods of enabling such development where adverse effects can be maintained.

- Section 3 Rural Zone Rules

The Rural Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone also contains performance standards for papakāinga to comply as a permitted activity and not require resource consent. If any papakāinga development does not comply with any of the performance standards, resource consent is required. Also within the Rural Zone is the Parihaka Cultural Area that has high cultural and historic significance to tāngata whenua and many communities within the Taranaki region.

A unique set of site-specific activities are permitted within the Parihaka Cultural Area. This includes papakāinga development, as well as educational and childcare facilities (Kōhanga Reo and Kura Kaupapa), markets, marae, retail, tourism, and community facilities.

- Section 4 Residential Zone Rules

The Residential Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone does not contain specific performance standards for papakāinga; instead, there are requirements for all buildings that must be met to comply as a permitted activity and not require resource consent, which papakāinga development would fall under.

- Section 5 Township Zone Rules

The Township Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone does not contain specific performance standards for papakāinga; instead, there are requirements for all buildings that must be met to comply as a permitted activity and not require resource consent, which papakāinga development would fall under. If any papakāinga development does not comply with any of the performance standards, resource consent is required.

- Section 6 Commercial Zone Rules

The Commercial Zone is one of the zones that permits papakāinga development as defined in Section 1 of the District Plan. This zone does not contain specific performance standards for papakāinga; instead, there are requirements for all buildings that must be met to avoid resource consent, which papakāinga development would fall under. If any papakāinga development does not comply with any of the performance standards, resource consent is required.

- Section 20 Resource Consent Information Requirements and Assessment Matters

This section describes the information required to include in applications for resource consent. Section 20.5.5 which relates to marae and papakāinga development is relevant to this plan change for applicants requiring consent for papakāinga development or redevelopment.

4.2.2 Analysis of other District Plan provisions relevant to this topic

Current practice has been considered in respect of this topic, with a review undertaken of the following District Councils' District Plans:

- New Plymouth District Council – Proposed District Plan (Appeals Version)
- Stratford District Council – Stratford District Plan
- Whanganui District Council – Whanganui District Plan

- Kāpiti Coast District Council – Operative Kāpiti Coast District Plan
- Hastings District Council – Hastings District Plan
- West Coast District Councils (Buller, Grey and Westland) - Te Tai o Poutini Plan

Plan	Zone	Overlay	Rules	Description of approach
New Plymouth Proposed District Plan (2023)	Yes	No	Yes	New Plymouth's Proposed District Plan takes a zone-based approach. New Plymouth have implemented the special purpose zoning within the National Planning Standards. Most papakāinga provisions are found in the Māori Purpose Zone chapter, which contains objectives, policies and rules that relate to papakāinga development.
Stratford District Plan (2014)	Yes	No	Yes	Stratford's District Plan contains a papakāinga definition, a policy relating to papakāinga, and have taken a zone-based approach. Papakāinga is permitted in the rural and residential zones as long as performance standards are met. These standards include recession planes, maximum site coverage, minimum lot sizes for dwellings, maximum number of dwellings, building heights, impermeable surfaces, and setback requirements.
Whanganui District Plan (2023)	Yes	No	Yes	Whanganui's District Plan describes papakāinga objectives, policies, and some rules within a Tāngata Whenua and Papakāinga section within Part 1. A definition can be found in the Definitions section also found in Part 1. Papakāinga is permitted in all zones as long as it occurs on ancestral land and complies with relevant zone's performance standard at the outer boundary. Developments need to meet the underlying zone's boundary requirements.

Operative Kāpiti Coast District Plan (2021) and Proposed Plan Change 2: Intensification	Yes	No	Yes	The operative district plan only contains papakāinga related rules within Part 2 District-Wide Matters relating to Urban Form and Development (UFD-P5), and definitions. Proposed District Plan Change 2 proposes a whole new standalone papakāinga chapter to contain a chapter description, strategic context and policies. Papakāinga rules to be contained in relevant zone chapters (six different zones). These rules add new requirements and discretion for papakāinga on general title land.
Hastings District Plan (2022)	No	Yes	Yes	Hastings’ operative plan contains a papakāinga definition including an accessory building definition. Rather than a zone-based approach, papakāinga is instead a district wide activity permitted on land under Te Ture Whenua Māori Act 1993, discretionary on general title land. Various performance standards to be met, such as building height, boundary setbacks and building coverage maximums (20% net site area). Applicants undertaking papakāinga on general title must identify historically why the land is in general title, why papakāinga should be considered for the site, and why the land cannot be converted to Māori Title under Te Ture Whenua Māori Act 1993.

Te Tai o Poutini Plan (2022)	Yes	Yes	Yes	Definition for papakāinga comes under a 'Māori Purpose Activity'. This district plan implements the special purpose zoning of a Māori Purpose Zone. This zone chapter contains relevant papakāinga provisions including objectives, policies and rules. Māori Purpose Activities (such as papakāinga) is permitted in the Māori Purpose Zone where the following standards are met: maximum gross ground floor area of single buildings (500m ²), maximum building heights (10m), building setbacks (road 10m, state highway 20m, internal 5m), net site area requirements.
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These plans were selected because:

- Stratford, New Plymouth and Whanganui are adjacent to, or are in the same region as South Taranaki and therefore may have faced and addressed similar concerns;
- They have been subject to plan changes recently;
- These councils are confronting similar issues relating to this topic; and
- Some were selected for review under the request of Ngā Kaitiaki.

A summary of the key findings follows:

- Many Councils are implementing a Māori Purpose Zone from the National Planning Standards that applies to Māori-owned land to enable a range of activities that support Māori land use aspirations, including papakāinga and marae.
- Papakāinga occurring on Māori land pursuant to Te Ture Whenua Māori Act 1993 is typically permitted in most zones if performance standards are met. Typical performance standards included maximum building height requirements, boundary setback requirements, recession plane requirements, net site area requirements, and building coverage requirements per site.
- Papakāinga occurring on General Title Land in any zone is typically not a permitted activity. In cases where provisions existed for papakāinga on general title, applicants were required to provide historic evidence and explanations for papakāinga suitability on the site. South Taranaki should consider adding provisions for papakāinga on general title.

- Many Councils have more restrictive performance standards for papakāinga development. This differs from South Taranaki and is likely due to the greater population and district size to cater for.

4.2.3 Advice received from Iwi

As outlined earlier, preparation of PC3 included engagement with iwi through the iwi authorities and the formation of a Ngā Kaitiaki group.

Section 32(4A) of the RMA requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

Under Clause 4A of Schedule 1 of the RMA local authorities are also required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

The following is a summary of the advice received from Ngā Kaitiaki specific to the proposed provisions evaluated within this report:

Topic	Advice Received from Iwi	Council Response
<p>General Feedback</p>	<p>The existing provisions were reasonable but needed to be more enabling on general title land.</p> <p>Do the new provisions reflect regional policy statement direction?</p> <p>Council should review the Hastings District Plan and West Coast District Plan provisions as theirs are very detailed in relation to papakāinga development.</p> <p>Council may want to consider development plans as other Councils have implemented.</p>	<p>All the provisions have been reviewed and new rules drafted to include papakāinga development on general title land as a restricted discretionary activity.</p> <p>The new provisions reflect the Regional Policy Statement, namely section 16.3 and these issues, objectives, policies and methods.</p> <p>Council reviewed the Hastings and West Coast plans. Overall consider that most of these provisions are not relevant to STDC as a more rural district.</p> <p>Development plans or iwi/hapū management plans were investigated for use in this district but at this stage will not be considered in this papakāinga development plan change as there is uncertainty toward which chapter(s) in the District Plan these plans would best fit, and there was uncertainty from Ngā Kaitiaki members if creating these plans would create development restrictions. There was a general consensus to pursue this in a separate plan change when more research has been undertaken.</p>

<p>Definitions</p>	<p>The existing papakāinga development definition has been accurate because papakāinga generally locates near existing marae. However, this locational aspect is not applicable for papakāinga in all instances and could unduly restrict papakāinga not on land near existing marae.</p> <p>The two proposed general title definitions – there only needs to be one or neither because the existing papakāinga development definition explains what it is without needing to specify any difference under its land status.</p>	<p>Amend the existing papakāinga development definition to remove the integrated aspect and allow for development of marae and other buildings, but that it is not a requirement.</p> <p>Both proposed general title definitions should remain, otherwise under the existing definition papakāinga development excludes general title land.</p>
<p>Objective and policy wording</p>	<p>Keep consistency between the wording of ‘iwi, hapū, Māori, tāngata whenua, whānau’ and ‘Māori-owned land’ versus ‘land owned by tāngata whenua’ throughout the objectives and policies.</p> <p>The new wording for proposed policy 2.7.18 “remain in long term ownership” may be hard to monitor.</p>	<p>Agreed with this advice and have ensured any new objectives and policies will use consistent wording.</p> <p>For policy 2.7.18, Council anticipate applicants would be able to demonstrate long-term ownership by showing the land is managed through a Māori Trust. The wording for this new policy has been amended slightly to be more achievable.</p>

<p>Rules - Papakāinga development on general title land a Restricted Discretionary Activity</p>	<p>Papakāinga development on general title land being a Restricted Discretionary Activity is considered a barrier to development.</p>	<p>Papakāinga development on general title land must be a Restricted Discretionary Activity rather than Permitted because assessments are necessary against the NPS-HPL, and Council requires evidence that applicants have ancestral connection to the land and that the land will stay in Māori ownership long-term. This assessment would be appropriate through the resource consenting process.</p>
<p>Rules - Matters to which the Council restricts its discretion</p>	<p>Regarding the proposed matter of discretion for papakāinga development on general title land 'whether the applicant has demonstrated their whakapapa or ancestral connection to the land', demonstrating ancestral connection may be challenging.</p>	<p>Council anticipates it should not be a regular occurrence that an iwi authority needs to confirm ancestral connection for Council. The Iwi Liaison Officer will be the first point of contact for clarification if this is deemed necessary.</p>

This advice has been given full effect to through the amendment/addition of the following provisions:

- PAPAĀINGA DEVELOPMENT definition – amended.
- PAPAĀINGA DEVELOPMENT ON GENERAL TITLE LAND definition – added.
- GENERAL TITLE LAND (IN RELATION TO PAPAĀINGA DEVELOPMENT) definition – added.
- Objective 2.7.8 – amended.
- Objective 2.7.11 – added.
- Policy 2.7.18 – added.
- Policy 2.7.21 – amended.

Where this advice has been given partial effect to, the following additions were made:

- Papakāinga on General Title Land as Restricted Discretionary Activities (rules 3.1.3(o), 4.1.3(a), 5.1.3(a), 6.1.2(a)) - This change was only given partial effect to the advice of iwi because a planning assessment mechanism needs to be in place to undertake statutory assessments (e.g. NPS-HPL) and confirm that the land will be

held under Māori ownership in perpetuity to meet proposed policy 2.7.18. This mechanism is considered most appropriate under a resource consenting process.

4.2.4 Consultation

The following is a summary of the primary consultation undertaken in respect of this topic:

Who	What	When	Relevant Issues Raised
Te Puni Kokiri	Feedback and discussion on papakāinga provisions in the operative district plan	14 September 2022	No issues raised; general feedback was that the existing provisions are enabling of <i>papakāinga</i> .
Ngā Kaitiaki	Introductions, general starting point for papakāinga	27 September 2022	No issues raised at this first meeting.
Ngā Kaitiaki	Feedback on provisions assessment and risk analysis for papakāinga and a Māori Purpose Zone	25 October 2022	The provisions in the assessment were too complex for this district. A Māori Purpose Zone was not desired by iwi.
Ngā Kaitiaki	Feedback on first draft of proposed provisions	15 November 2022	Request changes in wording for some rules, policies and objectives, and may need more performance standards. How to enable <i>papakāinga</i> on general title land – what would this look like and what are the legal concerns.
Ngā Kaitiaki	Feedback on second draft of proposed provisions	28 April 2023	Draft provisions generally accepted with minor changes to wording requested.
Ngā Kaitiaki	Feedback on final draft of proposed provisions	1 November 2023	Multiple points raised by Group Manager Environmental Services to edit proposed definitions

Who	What	When	Relevant Issues Raised
			<p>and provide more certainty of outcomes by changing proposed provision for papakāinga development on land under Te Ture Whenua Māori Act that do not meet performance standard from Restricted Discretionary activity to Controlled. Amendments to density standards were also raised.</p> <p>Draft provisions accepted in full by Ngā Kaitiaki, with Ngāti Ruanui representative opposing the raised activity status change. Overall, no changes to the final drafted provisions were requested by Ngā Kaitiaki.</p>

In summary, the key findings arising from the consultation undertaken on this topic are:

- The current planning framework for papakāinga is not enabling enough for tāngata whenua and no longer reflect their development aspirations;
- An approach was needed for papakāinga on General Title Land as it remains challenging for tāngata whenua to undertake these developments on their lands held under general title;
- That a Māori Purpose Zone under the National Planning Standards is not yet appropriate for South Taranaki

4.3 Summary of relevant resource management issues

Based on the research, analysis and consultation outlined above the following issues have been identified in relation to PC3:

Issue	Comment	Response
Issue 1: The existing provisions no longer reflect the development aspirations of tāngata whenua.	The district has experienced increased proposals from Māori to develop papakāinga on their lands. These lands have included general title, which do not meet the Operative District Plan's papakāinga development definition.	A new pathway for papakāinga development on General Title Land has been proposed, as described in Issue 2 below.
Issue 2: It remains challenging for Māori to undertake papakāinga developments on their lands held under General Title.	The operative district plan permits papakāinga on land defined under Te Ture Whenua Māori Act but not General Title. With no provision in the Operative District Plan for papakāinga under general title, these applications are assessed as a Discretionary Activity. This can incur higher costs to potential applicants, limiting their ability to undertake these developments.	The plan change's proposed provisions include adding papakāinga on General Title Land as a Restricted Discretionary Activity. This makes the activity less challenging than the status quo as the activity status is reduced and allows the consents team to assess these proposals under the NPS-HPL and confirm the historic and future ownership of the subject site.
Issue 3: Potential inconsistency with relevant statutes.	Various new statutes have been implemented since the previous plan change, such as the NPS-HPL and NPS-UD, which has implications for activities on rural land (where most papakāinga developments take place in the district) and urban environments.	Papakāinga development remains permitted in rural and urban environments when occurring on land defined under Te Ture Whenua Māori Act 1993, which retains consistency with these statutes. Where papakāinga development occurs on 'general title' land, an assessment through the resource consenting process has been proposed.

<p>Issue 4: Māori without a clear ancestral connection identified under Te Ture Whenua Māori Act 1993 have limited ability to develop papakāinga on their land.</p>	<p>For Māori with an ancestral connection to the land, but the land is not defined as this under Te Ture Whenua Māori Act 1993, the Operative District Plan does not provide a clear pathway to develop and live on their ancestral land.</p> <p>The lack of provision for the relationship of tāngata whenua with their ancestral lands remains an identified issue within the Operative District Plan under section 2.7.3.</p>	<p>A pathway for papakāinga development on General Title Land where ancestral connection is demonstrated and long-term ownership is intended is being proposed. New objectives and policies are also proposed to support this new pathway and mitigate this known issue.</p>
<p>Issue 5: Providing for papakāinga development may have adverse effects on the surrounding environment.</p>	<p>The Operative District Plan already permits papakāinga development where they occur on land as defined under Te Ture Whenua Māori Act 1993 and meet relevant performance standards, which are in place to avoid or mitigate potential adverse effects. There is also an existing objective in place supporting developments that achieve sustainable development of the environment, and policy to manage the potential effects on amenity values that are managed through the applicable standards.</p>	<p>The proposed provisions have reworded these existing objectives and policies, while also introducing new objectives, policies, rules and standards for papakāinga on general land to continue having mechanisms in place that will ensure potential adverse effects on the surrounding environment are reduced, mitigated or avoided.</p>

5.0 Scale and significance

5.1 Evaluation of scale and significance

Under Section 32(1)(c) of the RMA, this evaluation report needs to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

This section assesses the scale and significance of the provisions to determine the level of analysis required.

Factor	Score		
	Low	Medium	High
Degree of change from the ODP	x		
Effects on matters of national importance		x	
Scale of effects - geographically	x		
Scale of effects on people e.g. landowners, neighbourhoods, future generations			x
Scale of effects on those with specific interests e.g. tāngata whenua			x
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	x		
Likelihood of increased costs or restrictions on individuals, communities or businesses	x		

In summary:

Degree of change from the Operative District Plan

The new papakāinga provisions will continue to take the zone-based approach of the operative plan. Overall, the papakāinga provisions are not significantly changing from the existing provisions, so the degree of change is low.

Effects on matters of national importance

The new provisions are seeking to better achieve sections 6(e) and 6(g) of the RMA and are expected to significantly contribute to how Māori can develop ancestral land. For this reason the effect on these matters of national importance is medium.

Scale of effects - geographically

Papakāinga development will continue to be permitted on Māori land in the rural, residential, commercial and township zones, and although new provisions will allow papakāinga on general title land via resource consent, overall, the changes are expected to have a low geographical effect.

Scale of effects on people e.g. landowners, neighbourhoods, future generations

With the papakāinga provisions being more permissive and enabling on land in Māori ownership, the effect on Māori landowners and their future generations will have a great impact on their livelihoods, with the scale expected to be high. Additionally, the effect to already established neighbourhoods and these landowners in these areas are also expected to have a high effect. This is because in these areas, papakāinga development may create social changes and more noise and traffic that these existing communities are not accustomed to.

Scale of effects on those with specific interests e.g. tāngata whenua

Because the new provisions are more enabling of papakāinga development, this will have a high effect for tāngata whenua, Māori landowners and their whānau – including future generations.

Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?

The policy risk is considered to be low. Papakāinga development is highly supported through matters of national importance in the RMA. The new provisions take into account accepted best practice to better enable papakāinga development.

Likelihood of increased costs or restrictions on individuals, communities or businesses

The new provisions may incur increased costs on Māori that own general title land due to the need for resource consent for these land classes. Otherwise, the restrictions on Māori to develop papakāinga is not heavily restricted through the new provisions. Higher restrictions will be imposed however to ensure developers and non-Māori are restricted from developing papakāinga not for long-term Māori ownership.

Overall, it is considered that the scale and significance of the proposal is medium because it will improve opportunities for Māori to utilise and develop their land, particularly land in

General Title, which could create adverse effects to character and amenity values, noise, traffic, or privacy values that may impact surrounding landowners.

5.2 Quantification of Benefits and Costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs of a proposal are to be quantified.

Given the assessment in section 4 of the scale and significance of the proposed provisions, specific quantification of the benefits and costs should be undertaken for the purposes of this report and are reflected in the assessment of policies, rules and other methods contained in section 7. However, it is not possible to quantify many of the costs and benefits as there is a cultural element to this topic that cannot be quantified, i.e. it is not possible to put a dollar value on outcomes such as living according to te ao Māori and tikanga Māori, maintaining a connection to the whenua and enabling kaitiakitanga and rangatiratanga.

Specific quantification of all benefits and costs associated with PC3 is considered neither practicable nor readily available. In general, a qualitative assessment of costs and benefits associated with proposed provisions is considered sufficient, and this is provided for in the assessment of policies, rules and other methods contained in section 7.0 of this report. However, where practicable and considered appropriate to supporting the evaluation, some of the benefits or costs associated with PC3 have been quantified. The identification of costs and benefits has been informed by the body of evidence outlined in section 4.0 of this report.

6.0 Proposed provisions

6.1 Strategic Directions

The following objectives under Section 2.7 Tāngata Whenua of the Proposed District Plan are relevant to Papakāinga Development:

2.7.6	<p><i>To recognise and provide for the relationship of Tāngata Whenua and their culture and traditions (including mauri) with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.</i></p> <p>Objective 2.7.6 is an existing objective from the operative district plan that remains relevant to the resource management issue and topic of papakāinga development.</p>
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<p>2.7.8</p>	<p><i>To recognise and provide for development of land owned by Iwi, hapū, and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.</i></p> <p>Objective 2.7.8 is an existing objective that has been reworded with the guidance of Ngā Kaitiaki to better reflect the development aspirations of tāngata whenua and Māori landowners.</p>
<p>2.7.11</p>	<p><i>To provide for Papakāinga Development on land owned by Tāngata Whenua.</i></p> <p>Objective 2.7.11 is a new objective that reflects enabling papakāinga development on land owned by Māori with different land statuses, such as General Title Land.</p>

These objectives are evaluated in Section 7 of this report.

6.2 Overview of proposed provisions (Objectives, Policies and Rules)

In summary, the proposed provisions include:

Definition

- Introducing four new or reworded definitions that relate to ancestral land, marae, and papakāinga development on land under Te Ture Whenua Māori and General Title land.

Objectives and Policies

- Introducing a new objective and rewording two existing objectives within Section 2.7 Tāngata Whenua that:
 - Provides for papakāinga development on land owned by Tāngata Whenua;
 - Enables development of land owned by Iwi, hapū, and whānau; and
 - Tāngata Whenua are provided opportunity to partner in resource management processes and decision-making.
- Introducing a new policy and rewording a policy within Section 2.7 Tāngata Whenua that:
 - Allows for papakāinga on General Title land with a demonstrated ancestral connection and intends to remain with Māori long term; and
 - Enable development and activities by Iwi, hapū and whānau to meet their needs.

Rules

- Keeping a zone-based approach, amended rules to manage papakāinga development as follows:
 - Papakāinga development on land held under Te Ture Whenua Māori Act 1993 that also meets the relevant standards is a Permitted Activity (no resource consent required) in the Rural, Residential, Township and Commercial Zone;
 - Papakāinga development on land held under Te Ture Whenua Māori Act 1993 that does not meet the relevant standards is a Controlled Activity (resource consent required) in the Rural, Residential, Township and Commercial Zone;
 - Papakāinga development on General Title Land is a Restricted Discretionary Activity (resource consent required) in the Rural, Residential, Township and Commercial Zone;
 - Applicants undertaking papakāinga development on General Title Land must demonstrate an ancestral connection and provide evidence of Māori ownership through legal mechanisms.
 - Papakāinga development is exempt from the density and maximum number of dwelling unit performance standards in the Residential and Township Zones.
 - Guidance of the necessary evidence is added to Section 20: Additional Resource Consent Information Requirements and Assessment Matters to help applicants of land use applications for papakāinga development on General Title Land.

7.0 Evaluation of the proposed objectives

Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives proposed are the most appropriate way to achieve the purpose of the RMA. The level of detail must correspond to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (*i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?*)
2. Usefulness (*i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives (i.e. does it clearly state the anticipated outcome?)*)

3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tāngata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

While not specifically required under Section 32 of the RMA, in some instances alternative objectives are also considered to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

Proposed Objectives	
Objective 1: 2.7.8 To recognise and provide for development of land owned by Iwi, hapū, and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.	
Objective 2: 2.7.9 To provide Tāngata Whenua with opportunities to participate and partner in resource management processes and decision-making.	
Objective 3: 2.7.11 To provide for papakāinga development on land owned by Tāngata Whenua.	
Alternatives considered	
Status quo:	
In the Operative District Plan there is no objective that describes papakāinga development, only development of Māori land. This objective is as follows:	
Objective 2.7.8 To recognise and provide for development of land owned by Iwi and hapū that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.	
Alternative:	
For the Proposed Plan Change, a Māori Purpose Zone was considered to enable development on Māori land. An alternative objective for a Māori Purpose Zone is as follows:	
To provide for papakāinga development within a Māori Purpose Zone.	
Appropriateness to achieve the purpose of the Act	
Appropriateness of Proposed Objective (relevance, usefulness, reasonableness, achievability)	<p>Relevance:</p> <ul style="list-style-type: none"> • Objectives 1, 2 and 3 address issues 2.7.1, 2.7.2, 2.7.3 and 2.7.5 of the Operative District Plan and Proposed District Plan. • These objectives are consistent with section 5 and sections 6-8 of the RMA, as identified in Section 2.1 of this report. <p>Usefulness:</p>

	<ul style="list-style-type: none"> • All objectives shaped the provisions that will guide resource consent applications for papakāinga under s104 RMA. <p>Reasonableness:</p> <ul style="list-style-type: none"> • These objectives were prepared in collaboration with tāngata whenua through the Ngā Kaitiaki group and reflect aspirations for their land. • The objectives that shaped the provisions, should increase development opportunity for tāngata whenua and reduce regulatory costs for undertaking activities on Māori land. <p>Achievability:</p> <ul style="list-style-type: none"> • These objectives are implementable through its policies, rules and requirements. The provisions will provide more guidance for applicants to assist the development of Māori land.
<p>Appropriateness of Status Quo (relevance, usefulness, reasonableness, achievability)</p>	<p>Relevance:</p> <ul style="list-style-type: none"> • Objective 2.7.8 addresses issue 2.7.5 of the Operative District Plan. • This objective is seen to now be inconsistent with the purpose and principles of the RMA as it no longer provides for the aspirations and values of tāngata whenua. <p>Usefulness:</p> <ul style="list-style-type: none"> • This objective shaped the existing provisions of the Operative District Plan, which results in minimal guidance for consenting staff processing applications, or decision-makers considering consent applications for papakāinga. <p>Reasonableness:</p> <ul style="list-style-type: none"> • This objective does provide for development on Māori land, however the Operative District Plan provisions can result in increased regulatory costs for undertaking activities on Māori land. <p>Achievability:</p> <ul style="list-style-type: none"> • This objective is implementable through the Operative District Plan’s policies, rules and requirements. However, applications for papakāinga under these provisions can be complex as they do not reflect Māori land held under General Title.
<p>Appropriateness of Alternative (relevance,</p>	<p>Relevance:</p>

<p>usefulness, reasonableness, achievability)</p>	<ul style="list-style-type: none"> • The objective addresses issue 2.7.5 of the Operative District Plan. • This objective is seen to be partially consistent with the purpose and principles of the RMA as it would enable tāngata whenua to provide for their wellbeing, but it does not reflect the aspirations and values of tāngata whenua. • This objective would be consistent with and implement the National Planning Standards. <p>Usefulness:</p> <ul style="list-style-type: none"> • The Operative District Plan and Proposed District Plan provisions are catered for a multi-zone approach, however this objective could shape policy and provisions within a new Māori Purpose Zone chapter. <p>Reasonableness:</p> <ul style="list-style-type: none"> • This objective to support a Māori Purpose Zone was not supported by the Ngā Kaitiaki group. Therefore, its addition in the Proposed District Plan would not be consistent with the values and interests of tāngata whenua at this time. <p>Achievability:</p> <ul style="list-style-type: none"> • This objective would assist a Māori Purpose Zone chapter and provisions, however defining the zone applying to Māori land may not provide flexibility when applied to General Title Land owned by Māori.
<p>Preferred option and reasons</p>	
<p>The proposed objectives are the most appropriate means of achieving the purpose of the Act because they achieve the purpose and principles and sections 6-8 of the RMA, they reflect the aspirations of tāngata whenua, and provide more guidance for applicants, consenting staff, and decision-makers.</p>	

8.0 Evaluation of proposed provisions

Section 32(1)(b) of the RMA requires an evaluation of whether the proposed provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

8.1 Evaluation

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s).

8.1.1 Provisions to achieve objectives relating to papakāinga development

Under Section 32(1)(b)(ii) of the RMA, reasonably practicable options to achieve the objective(s) associated with this proposal need to be identified and examined.

The other options considered reasonably practicable for achieving the objectives of the Operative District Plan and PC3 in relation to papakāinga development are:

- The proposed provisions (Option 1) - this evaluates the proposed provisions that enable papakāinga development.
- Retaining the status quo (Option 2) – this evaluates the existing Operative District Plan provisions relating to papakāinga development.
- A reasonable alternative (Option 3) – this evaluates the option of establishing a Māori Purpose Zone to provide for papakāinga, marae and other development, removing the existing multi-zone approach.

Objectives:		
2.7.8 To recognise and provide for development of land owned by Iwi, hapū, and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.		
2.7.9 To provide Tāngata Whenua with opportunities to participate and partner in resource management processes and decision-making.		
2.7.11 To provide for papakāinga development on land owned by Tāngata Whenua.		
Option 1: Proposed approach (recommended)	Costs	Benefits
New policies, rules and requirements in various zones, including provisions	Environmental <ul style="list-style-type: none"> • Having more enabling rules supportive of papakāinga development may change the character and amenity of areas in zones where 	Environmental <ul style="list-style-type: none"> • Development or inappropriate activities that may generate adverse effects or that do not

<p>for papakāinga on General Title Land.</p> <p><u>Enable papakāinga on General Title land</u></p> <p>Policy 2.7.18 enables papakāinga on general title when specific criteria can be met through the following rules:</p> <ul style="list-style-type: none"> • Restricted discretionary activity: papakāinga on general title in Rural, Residential, Commercial and Township zones • The applicant has demonstrated ancestral connection to the land • To remain in long-term Māori ownership • Evidence of Māori ownership through legal mechanisms 	<p>papakāinga and similar developments are established. Performance standards and resource consent conditions will help reduce the adverse effects arising from these activities.</p> <ul style="list-style-type: none"> • Increased development may impact the natural environment by generating adverse effects on waterbodies. Setback requirements from significant waterbodies will be in effect to manage some potential impacts. • There may be a greater risk for reverse sensitivity effects on existing farm operations as papakāinga development is likely to occur within the Rural Zone. • There may be an increased risk that resource consent conditions will not be adequate to manage the effects of consented papakāinga developments. <p>Economic</p> <ul style="list-style-type: none"> • There will be consenting costs for applicants that undertake papakāinga and other developments that do not meet permitted standards. This will be required for applicants undertaking papakāinga on general title land, resulting in costs to these landowners. 	<p>meet the permitted standards will be managed through a resource consent process.</p> <p>Economic</p> <ul style="list-style-type: none"> • These provisions would likely result in reduced costs to tāngata whenua that undertake papakāinga development by retaining permissive requirements. • The consenting costs for Māori undertaking papakāinga that does not meet permitted standards may decrease as the plan contains more guidance for applicants and Council to follow, reducing processing timeframes and costs associated with processing. • More development undertaken by Māori enabled by the provisions may generate employment opportunities relating to construction activity. <p>Social</p> <ul style="list-style-type: none"> • The provisions enhance wellbeing by enabling more housing growth and affordability for Māori. • Enabling development of papakāinga is likely to enhance social connections and wellbeing as
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<p><u>Enable development and other activities</u></p> <p>Policy 2.7.21 supports development by Iwi, hapū and whānau to meet their needs through the associated rules:</p> <ul style="list-style-type: none"> Permitted activities: papakāinga on land held under Te Ture Whenua Māori Act 1993 in Rural, Residential, Commercial and Township zones (subject to standards) No restriction on the number of dwelling units for papakāinga in Rural and Township Zones, and exemptions to net site area requirements in Residential and Township zones. 	<ul style="list-style-type: none"> Applicants undertaking papakāinga on land in proximity to Council reticulation may face additional costs to extend or upgrade these services if capacity is limited. When the proposed provisions become operative, there may be an initial increase to the administrative and processing costs of applications brought to Council as applicable teams become familiar with the provisions and the processes associated with them. <p>Social</p> <ul style="list-style-type: none"> Where the provisions are further enabling papakāinga development in established areas or neighbourhoods, this may generate social changes that existing communities are not accustomed to. <p>Cultural</p> <ul style="list-style-type: none"> There are no anticipated cultural costs to the proposed provisions. 	<p>whānau live closer to one another, creating a sense of community.</p> <p>Cultural</p> <ul style="list-style-type: none"> The proposed provisions provide greater opportunity for tāngata whenua to exercise kaitiakitanga and rangatiratanga, and develop their land in accordance with tikanga Māori. Applicants undertaking Controlled papakāinga developments are provided greater certainty of outcome for their proposal.
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<ul style="list-style-type: none"> • Marae and other building activity in Rural, Residential, Commercial and Township zones (subject to standards) 		
<p>Effectiveness and efficiency</p>	<p>The proposed provisions are considered the most effective method of achieving the objectives because they will provide for increased environmental, economic, social and cultural benefits as discussed above, while maintaining character and amenity values within the underlying zones.</p> <p>The proposed provisions are considered the most efficient method of achieving the objectives given the benefits produced, and there will be reduced costs associated with developing on land described under Te Ture Whenua Māori Act in various zones.</p>	
<p>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> • The proposed provisions were developed in partnership with iwi through Ngā Kaitiaki, of which these provisions will mostly impact. • The consenting team ‘tested’ the proposed provisions with a range of development scenarios from potential applicants to confirm they would be more enabling of papakāinga. 	
<p>Overall evaluation</p>	<p>This assessment demonstrates that this option is the most appropriate way to achieve the proposed objectives. This is because:</p> <ul style="list-style-type: none"> • The provisions continue to enable papakāinga development on land described under Te Ture Whenua Māori Act in various zones, subject to standards that will ensure papakāinga remains compatible with the underlying zone’s character and amenity values; 	

	<ul style="list-style-type: none"> • The provisions are supportive of, and provide clear direction for papakāinga development on General Title land; • They reflect the aspirations of tāngata whenua; • They enable the Council to better meet its statutory obligations, including Section 6 of the RMA. • Although the provisions may generate changes to character and amenity values that could affect surrounding landowners, it is considered the benefits outweigh the costs. 	
Option 2: Status Quo	Costs	Benefits
<p>Papakāinga development is currently supported by policy and subject to Rural, Residential, Township and Commercial Zone provisions, but limited to land defined in Te Ture Whenua Māori Act 1993.</p> <p><u>Enable papakāinga housing development</u></p> <p>Policy 2.7.16 enables papakāinga while avoiding adverse effects when specific criteria can be met through the following rules:</p>	<p>Environmental</p> <ul style="list-style-type: none"> • There is no evidence that the status quo provisions are failing to sustainably manage resources. • The status quo provisions have requirements in place to reduce potential adverse effects arising from papakāinga development and other development on Māori land. <p>Economic</p> <ul style="list-style-type: none"> • There are consenting costs for applicants that undertake papakāinga and other developments that do not meet permitted standards. • Papakāinga on general title land would be considered a discretionary activity. This may increase the processing timeframe, resulting in 	<p>Environmental</p> <ul style="list-style-type: none"> • Development or inappropriate activities that may generate adverse effects or that do not meet the permitted standards are managed through a resource consent process. <p>Economic</p> <ul style="list-style-type: none"> • There may be timeframe and cost savings under the status quo provisions as Council staff and the community are familiar with the provisions. <p>Social</p> <ul style="list-style-type: none"> • Where papakāinga and other development on land owned by Māori does not meet permitted standards, amenity and privacy values that may impact neighbours will be managed through a resource consent process. <p>Cultural</p>

<ul style="list-style-type: none"> • Permitted activity: papakāinga in Rural, Residential, Commercial and Township zones • Papakāinga only permitted when developing on land defined in Te Ture Whenua Māori Act 1993. No guidance for papakāinga on General Title Land. • No restriction on the number of dwelling units for papakāinga in Rural Zone • Performance standards for buildings or dwelling units must be met <p><u>Enable Marae development while managing adverse effects</u></p> <p>Policy 2.7.17</p>	<p>increased consenting costs for these applicants or landowners.</p> <p>Social</p> <ul style="list-style-type: none"> • The status quo provisions enable papakāinga development in established areas or neighbourhoods which may generate social changes that existing communities are not accustomed to. • The status quo limits housing growth and affordability for Māori on General Title Land; impacting social wellbeing. <p>Cultural</p> <ul style="list-style-type: none"> • The process remains challenging for Māori to undertake papakāinga development on land held under General Title. 	<ul style="list-style-type: none"> • Papakāinga development where the relevant standards are met, is permitted in various zones; enabling the use and development of most land owned by tāngata whenua.
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<p><u>Enable development and other activities</u> Policy 2.7.19</p>		
<p>Effectiveness and efficiency</p>	<p>The status quo provisions are not considered the most effective method of achieving the objectives because they are less flexible for papakāinga development on Māori owned land held under General Title. This results in cultural costs.</p> <p>The status quo provisions are not considered the most efficient method of achieving the objectives because they increase processing complexity for papakāinga development on Māori owned land held under General Title, which impacts processing timeframe and costs for applicants. This results in economic and cultural costs.</p>	
<p>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> • They have been in effect for a number of years to understand how permissive and restrictive they are. • Their inadequacy has been discussed with iwi through Ngā Kaitiaki, who have requested the status quo provisions are evaluated. 	
<p>Overall evaluation</p>	<p>This option is considered partially appropriate to achieve the objectives as papakāinga is permitted across four zones within the district, but this is limited to Māori owned land under Te Ture Whenua Māori Act 1993. Papakāinga on Māori owned land held under General Title is restricted and more challenging for these landowners. Overall, these operative provisions are generally less enabling than the proposed provisions.</p>	
<p>Option 3: Alternative approach to provisions</p>	<p>Costs</p>	<p>Benefits</p>
<p>Establishing a Māori Purpose Zone chapter that</p>	<p>Environmental</p>	<p>Environmental</p>

<p>would contain rules and requirements for marae, papakāinga, and other developments. The zone would map and apply to Māori land.</p> <p>Policies would provide for papakāinga development within a Māori Purpose Zone, and provisions would control activities within and in proximity to this zone.</p>	<ul style="list-style-type: none"> On land in this zone containing waterbodies, the increased development may impact the natural environment by generating adverse effects on waterbodies. Setback requirements from significant waterbodies would be considered to manage potential impacts. <p>Economic</p> <ul style="list-style-type: none"> Increased financial cost and timeframe for Council to organise the mapping of this land and updating existing District Plan Maps. Costs may be incurred on the district through increased rates. <p>Social</p> <ul style="list-style-type: none"> Landowners in this zone or in proximity to this zone may experience social changes and adverse noise and traffic effects that existing communities are not accustomed to. <p>Cultural</p> <ul style="list-style-type: none"> Should not all Māori land be identified and included in the Māori Purpose Zone, it may limit the opportunities for tāngata whenua to develop on their land as a permitted activity. 	<ul style="list-style-type: none"> Māori land may be better utilised as it is clearly identified. <p>Economic</p> <ul style="list-style-type: none"> In this zone permissive provisions would likely result in reduced costs to tāngata whenua that undertake papakāinga development. More development undertaken by Māori in this zone enabled by potentially permissive provisions may generate employment opportunities relating to construction activity. <p>Social</p> <ul style="list-style-type: none"> Enabling papakāinga in this zone would enhance wellbeing by through greater housing growth and affordability for Māori, and enhance social connections as whānau live closer to one another, creating a sense of community. <p>Cultural</p> <ul style="list-style-type: none"> There may be increased permitted development opportunities in the Māori Purpose Zone, which would provide greater opportunity for tāngata whenua to exercise kaitiakitanga and rangatiratanga, and develop their land in accordance with tikanga Māori.
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<p>Effectiveness and efficiency</p>	<p>The alternative provision is not considered the most effective method of achieving the objectives because applying the zone to Māori land may not provide flexibility to include Māori owned land held under General Title. This results in cultural costs.</p> <p>The alternative provision is not considered the most efficient method of achieving the objectives because they may increase processing complexity for papakāinga development on Māori owned land held under General Title, which impacts processing timeframe and costs for applicants. This results in economic and cultural costs.</p>
<p>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</p>	<p>It is considered that there is only partially sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> • The proposed provisions for the proposed plan change under the multi-zone approach could be moved to a Māori Purpose Zone chapter, however an investigation has not been undertaken to confirm whether this approach would be more enabling of papakāinga than the status quo. • This approach was discussed in partnership with iwi through Ngā Kaitiaki, of which these provisions will mostly impact. A Māori Purpose Zone was not supported by Ngā Kaitiaki at this time.
<p>Overall evaluation</p>	<p>This option is considered the least appropriate approach to achieve the related objectives because it may not be flexible for Māori landowners of General Title Land, existing District Plan Maps would require updating, and it was considered too complex and not supported in this district at this time by Ngā Kaitiaki on behalf of Māori.</p>

9.0 Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Gives effect to best practice undertaken by other Councils, and national direction from the RMA, national policy statements and the regional policy statement; and
- Will better enable papakāinga development to support housing growth for Māori and reflect the aspirations of tāngata whenua in this space; and
- Will achieve the aim of the Proposed Plan Change for papakāinga and its amended objectives and policies.

Plan Change 3 - Papakainga from Buttimore, Richard organisation: Parininihi Ki Waitotara Incorporation

Plan Change 3 -
Papakainga



Submitter Details

Submission Date:30/05/2024

First name: Richard Last name: Buttimore

Organisation: Parininihi Ki Waitotara Incorporation

Preferred method of contact Email

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Suburb:

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I could not

Gain an advantage in trade competition through this submission

I am not

directly affected by an effect of the subject matter of the submission that :

- a. adversely affects the environment, and
- b. does not relate to the trade competition or the effects of trade competitions.

Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

Would you like to present your submission in person at a hearing?

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

[Empty text box for additional requirements]

Name
Feedback - STDC Papakainga Development PKW Sumbission 30.05.2024.pdf

6

30 May 2024

South Taranaki District Council

Private Bag 902

Te Hāwera 4640

BY EMAIL planchange@stdc.govt.nz

6

Attention: South Taranaki District Council

PARININIHI KI WAITŌTARA INCORPORATION - SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3: PAKĀINGA DEVELOPMENT

A HISTORY OF PARININIHI KI WAITOTARA

1. Parininihi ki Waitōtara currently administers over 21,000ha of whenua within Taranaki under a mix of ownership tenure, the vast majority of whenua is zoned rural.
2. 17,250ha is situated in the rohe o Te Kaunihera ō Taranaki ki Te Tonga, 16,800ha of which is Māori Freehold Whenua making Parininihi ki Waitōtara the largest land holder in the South Taranaki District.
3. The whenua held by Parininihi ki Waitōtara is the last remaining remnants of the Crown's wrongful confiscation of Taranaki Māori whenua in 1865, driven by the desire to appease settler demand in Taranaki.
4. Resistance to Government aggression resulted in armed conflict in Taranaki between 1860-1863, where Taranaki Māori were deemed to be in rebellion against her Majesty's authority. Everything to the west of the red line (see figure 1.) occupied by Māori (500,00ha) running from Parininihi (White Cliffs) in the north to Waitōtara in the south was confiscated under the Suppression of the Rebellion Act and the New Zealand Settlements Act in 1863.
5. After years of petitioning by Taranaki Māori, 81,500ha of confiscated whenua was returned - under the West Coast Settlement Reserves Act 1881. This Act provided for the lands to be surveyed, divided, and leased with the intention of promoting settlement opportunities for settlers. While legal ownership of the 81,500ha was returned to 5289 individual Taranaki Māori, the right to occupy and utilise the whenua it was not.
6. In 1963 the Titles of all the West Coast Settlements Reserves were amalgamated by the Crown into what became known as the Parininihi ki Waitōtara mega reserve. The 1963 amalgamation order declared all reserves to be held in common ownership with one equitable title by all owners. Shares were produced and apportioned relative to the amount of whenua owned by the individual prior to amalgamation, severing on paper traditional whakapapa links held to individual land parcels.

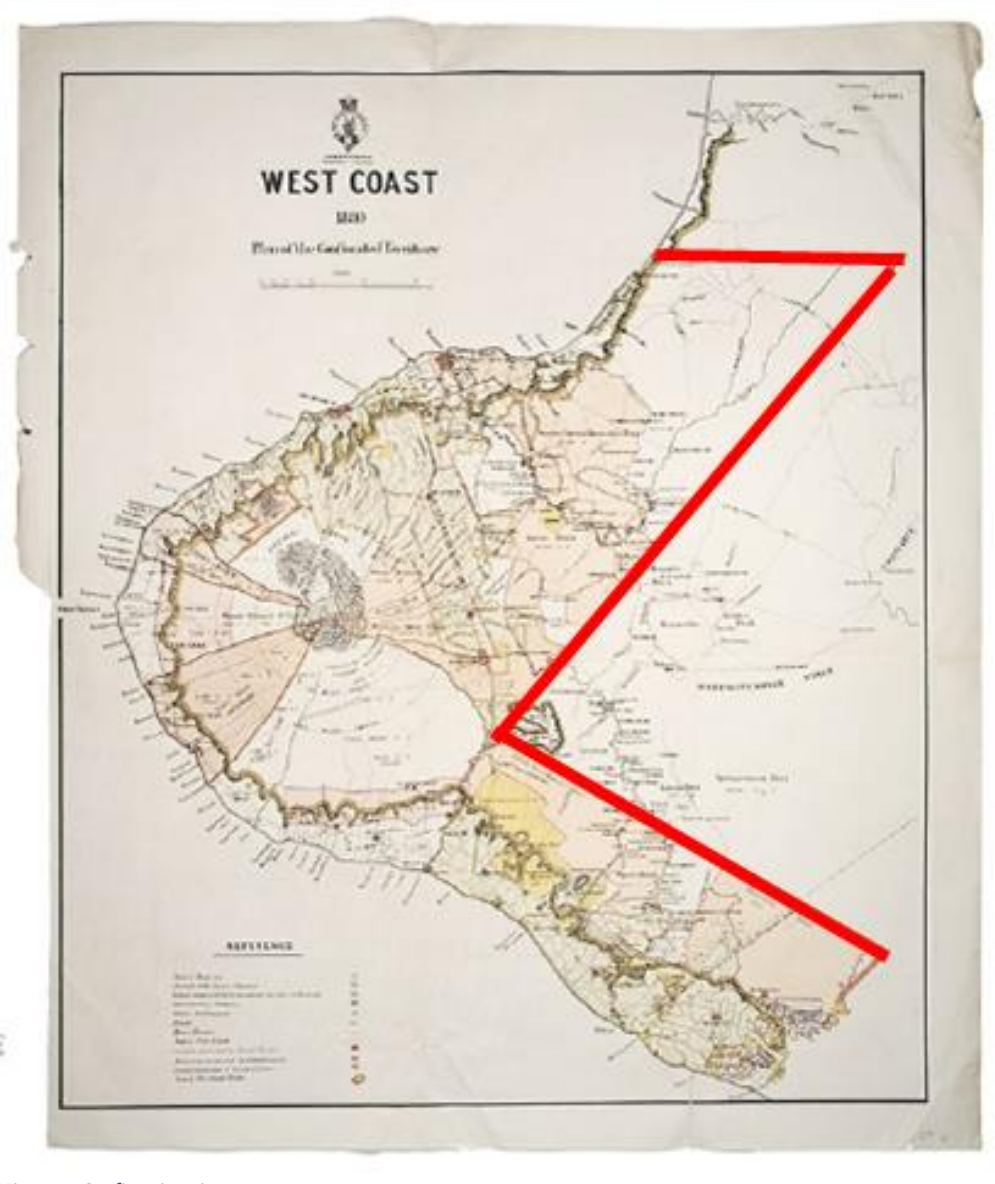


Figure 1: Confiscation Line

7. In 1967 the Māori Affairs Amendment Act was introduced to deal with the Crown's perceived problems of uneconomic interests, successions, and multi-ownership. This Act introduced the notion of Māori Incorporations.
8. Parininihi ki Waitōtara Incorporation was established in 1976 following the extensive lobbying from an Owners Action Group to prevent the further alienation of Māori land and take over control from the Māori Trustee, under its management had seen over 60,000ha sold.

9. Parininihi ki Waitōtara has operating interests that include, bovine and ovine dairy, kōura fisheries, horticulture, forestry and commercial property.

B SUBMISSION OF PARININIHI KI WAITŌTARA TO THE PROVISIONS OF THE PROPOSED PLAN CHANGE 3: PAPA KĀINGA DEVELOPMENT ARE INCLUDED IN TABLE 1.

Section/ Sub-section/ Provision	Support/ Support in part/ Oppose	Submission	Relief sought
DEFINITIONS – GENERAL TITLE LAND	Support in Part	<p>The Plan Change introduces a definition for General Title Land:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAPA KĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993.</i></p> <p>Seek inclusion of other Māori ownership structures within the definition, including Māori Incorporations and Māori Land Trusts.</p>	Amend the definition of General Title Land to include a range of other Māori ownership structures, including Māori Land Trusts and Māori Incorporations.
DEFINITIONS – PAPA KĀINGA DEVELOPMENT	Support in Part	<p>Papakāinga Development is defined as follows:</p> <p><i>PAPA KĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993.</i></p> <p>Seek inclusion of other Māori ownership</p>	Amend the definition of Papakāinga Development to be include other Māori ownership structures, including Māori Land Trusts and Māori Incorporations.

Section/ Sub-section/ Provision	Support/ Support in part/ Oppose	Submission	Relief sought
		structures within the definition, including Māori Incorporations and Māori Land Trusts.	
DEFINITIONS – PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND	Support	<p>Definition for Papakāinga Development on General Title Land:</p> <p><i>PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.</i></p> <p>This is supported subject to an amendment to the General Title Land definition to enable Papakāinga Development on other Māori ownership structures, including Māori Land Trusts Māori and Incorporations.</p>	Retain the definition of Papakāinga Development on General Title., subject to the amendment of the definition of General Title Land as sought above.
<p>SECTION 2: OBJECTIVES AND POLICIES</p> <p>Section 2.7 – Tāngata Whenua</p> <p>Issues 2.7.5</p>	Support in Part	<p>Clarity is sought in relation to 2.7.5, 2.7.8 and 2.7.21:</p> <p><i>Issues 2.7.5 Providing for development by Iwi, hapū and whānau (e.g. Marae, papakāinga housing) that enhances their social, cultural and economic well-being while sustainably managing the environment.</i></p> <p>Seek inclusion within wording to extend to other Māori ownership structures, include Māori</p>	Amend and provide new wording for 2.7.5, 2.7.8 and 2.7.21 to enable the collaboration of Māori Incorporations and Māori Land Trusts in supporting Iwi, hapū and whanau with Papakāinga Development.

Section/ Sub-section/ Provision	Support/ Support in part/ Oppose	Submission	Relief sought
<p>Objectives 2.7.8</p> <p>Policies 2.7.21</p>		<p>Incorporations and Māori Land Trusts.</p> <p>Objective 2.7.8 – <i>To recognise and provide for development by Iwi, hapū and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.</i></p> <p>Seek inclusion within wording to extend to other Māori ownership structures, include Māori Incorporations and Māori Land Trusts.</p> <p>Policies 2.7.21 – <i>Recognise and provide for development and a range of activities by Iwi, hapū and whānau on key sites to meet the needs and values to Tāngata Whenua.</i></p> <p>Seek inclusion within wording to extend to other Māori ownership structures, include Māori Incorporations and Māori Land Trusts.</p>	
<p>SECTION 3: RURAL ZONE RULES</p> <p>Rural Zone Rules: 3.1.1 (f) Permitted Activity</p>	<p>Support in part</p>	<p>Clarity is sought in relation to 3.1.1(f), 4.1.1(e) and 5.1.1(e):</p> <p><i>3.1.1 (f) – Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i></p> <p><i>4.1.1 (e) – Papakāinga development on land held</i></p>	<p>Support permitted activity standard but remove reference to land held under Te Ture Whenua Māori Act 1993 in 3.1.1 (f), 4.1.1 (e) and 5.1.1 (e).</p> <p>Whilst the majority of PKW whenua is Māori freehold, we do not believe the permitted</p>

Section/ Sub-section/ Provision	Support/ Support in part/ Oppose	Submission	Relief sought
<p>SECTION 4: RESIDENTIAL ZONE RULES</p> <p>4.1.1 (e) Permitted Activity</p> <p>SECTION 5: TOWNSHIP ZONE RULES</p> <p>5.1.1 (e) Permitted Activity</p>		<p><i>under Te Ture Whenua Māori Act 1993.</i></p> <p><i>5.1.1 (e) – Papakāinga development on land held under Te Ture Whenua Māori Act 1993</i></p> <p>PKW supports the provision of permitted activity status for Papakāinga but seeks to enable Papakāinga as a permitted activity regardless of underlying land classification.</p>	<p>activity status should be limited to Māori Freehold Whenua and should enable papakāinga on all land ownership classifications.</p>
<p>SECTION 3: RURAL ZONE RULES</p> <p>3.1.2 (b) Controlled Activity</p>	<p>Support in Part</p>	<p>Clarity is sought in relation to 3.1.2(b), 4.1.2(a) and 5.1.2(a):</p> <p><i>3.1.2 (b) - Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</i></p> <p>Controlled Activity provision is supported as drafted with the exception of the reference to land classification relating Te Ture Whenua Māori Act 1993 and should rather relate to Papakāinga in general as per submission point above.</p>	<p>Provide for Papakāinga as a controlled activity when one or more performance standards are not meet but exclude the reference to Te Ture Whenua Māori Act 1993 in 3.1.2 (b), 4.1.2 (a) and 5.1.2 (a).</p>

Section/ Sub-section/ Provision	Support/ Support in part/ Oppose	Submission	Relief sought
<p>SECTION 4: RESIDENTIAL ZONE RULES</p> <p>4.1.2 (a) Controlled Activity</p>		<p><i>4.1.2 (a) - Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</i></p> <p>Controlled Activity provision is supported with the exception of the reference to land classification relating Te Ture Whenua Māori Act 1993 and should rather relate to Papakāinga in general as per submission point above.</p>	
<p>SECTION 5: TOWNSHIP ZONE RULES</p> <p>5.2.1 (a) Controlled Activity</p>		<p><i>5.2.1 (a) - Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.</i></p> <p>Controlled Activity provision is supported with the exception of the reference to land classification relating Te Ture Whenua Māori Act 1993 and should rather relate to Papakāinga in general as per submission point above.</p>	

Section/ Sub-section/ Provision	Support/ Support in part/ Oppose	Submission	Relief sought
SECTION 3: RURAL ZONE RULES 3.2 Performance Standards – Permitted Activities 3.2.1 (a) Number of dwellings	Support	<i>3.1.1 (a) (v) – Papakāinga development is exempt from the above maximum number of dwellings units.</i> Parininihi ki Waitōtara support performance standard 3.2.1 (a) (v). 3.2.1 (a) (i) – (v) is supported and drafted	Retain as drafted.
SECTION 4: RESIDENTIAL ZONE RULES 4.2 Performance Standards – Permitted Activities 4.2.1 (a) Net Site Area	Support	<i>4.2.1 (a) (iii) – Papakāinga development is exempt from the above net site area performance standards set out in 4.2.1 (a) (i) and (ii).</i> 4.2.1 (a) (i) – (iii) is supported as drafted	Retain as drafted.
SECTION 5: TOWNSHIP ZONE RULES 5.2 Performance Standards – Permitted Activities 5.2.1 Number of dwellings	Support	<i>5.2.1 (c) – Papakāinga development is exempt from the above minimum number of dwelling unit performance standards set out in 5.2.1 (a) and the net site area performance standards set out in 5.2.1 (b).</i> 5.2.1 (a) – (c) supported as drafted	Retain as drafted.

Table 1: Parininihi ki Waitōtara submission points

C CONCLUSION

1. Parininihi ki Waitōtara Supports and Supports in part sections of the Proposed Plan Change 3: Papakāinga Development, and seek the amendments as described in Table 1 to the Proposed Plan Change.
2. Parininihi ki Waitōtara could not gain an advantage in trade competition through this submission.
3. Parininihi ki Waitōtara wishes to be heard in support of our submission.

4. Parininihi ki Waitōtara will consider presenting a joint case with others who have made similar submissions.
5. Electronic address for service: Office@pkw.co.nz, Richardb@pkw.co.nz
Postal Address: 35 Leach Street, New Plymouth 4310
Phone: 06 769 9373
Contact person: Richard Buttimore, Te Rau Whakahono Pito (GM Property), on behalf of Parininihi ki Waitōtara Incorporation.

Noho ora mai,



Richard Buttimore
Te Rau Whakahono Pito (GM Property)
Parininihi ki Waitōtara.



Form 5: Submission

on notified proposed District Plan or Plan Change or Variation or Policy Statement.

Clause 6 of Schedule 1, Resource Management Act 1991.

6

To: South Taranaki District Council

Name of submitter (full name) Te Aorangi Dillon - Te Korowai o Ng ruahine Trust

This is a submission on the following proposed policy statement (or on the following proposed plan or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the the following proposed variation to a change to an existing policy statement or plan) (the **proposal**):

Name of

proposed or existing policy statement or plan (where applicable) change or variation

Papak inga Plan Change 3

***I ~~could~~/could not** gain an advantage in trade competition through this submission**

I ~~am~~/am not directly affected by an effect of the subject matter of the submission:**

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition

*Delete entire paragraph if you could not gain an advantage in trade competition through this submission

** Select one

Specific provisions of the proposal that my submission relates to are:

'Please refer to attached submission'

[Give details]
.....
.....
.....

My Submission

[Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your view]

'Please refer to attached submission'

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I seek the following decision from the local authority

'Please refer to attached submission'
[give precise details].....
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.....

I wish/do not wish** to be heard in support of my submission.

I will/will not** consider presenting a joint case with others presenting similar submissions.

** Select one

Signature

**Signature [or person authorised to sign on behalf of submitter]

Date

**A signature is not required if you make your submission by electronic means

Your details

our preferred methods of corresponding with you are by email and phone

Electronic address for service of submitter [email] Teaorangi@ngaruahine.iwi.nz

Telephone [work] 0275 057 306 [home] [mobile]

Postal Address [or alternative method of service under section 352 of the Act] 147 High Street, Te Hara
..... Postcode 4610

Contact person [name and designation, if applicable] Te Aorangi Dillon

I wish for my postal address to be withheld from being publicly available

Notes to person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- > it is frivolous or vexatious:
- > it discloses no reasonable or relevant case:
- > it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- > it contains offensive language:
- > it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Your submission and contact details will be made publicly available.

- > In accordance with clause 7 of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under clause 8A of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).
- > Section 352 of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes above.

31 May 2024

South Taranaki District Council
Private Bag 902
Te Hāwera 4640

BY EMAIL planchange@stdc.govt.nz

Attention: Mayor Phil Nixon and South Taranaki District Council Councillors

Tēna koe Matua Phil koutou ko ngā kaikaunihera o Te Kaunihera o Taranaki ki Te Tonga

TE KOROWAI O NGĀRUAHINE TRUST – SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3: PAPAĀINGA DEVELOPMENT

1. Te Korowai o Ngāruahine Trust (**‘Te Korowai o Ngāruahine’** or **‘Te Korowai’**) is the Post Settlement Governance Entity (**‘PSGE’**) for Ngāruahine Iwi. Te Korowai has responsibility of managing and growing the Ngāruahine treaty settlement assets – for the benefit of Ngāruahine uri, whānau, hapū and Iwi. Te Korowai also has the responsibility to ensure an enduring settlement and that Te Tiriti rights of Ngāruahine are upheld by government.
2. The Ngāruahine area of interest extends from the Taungatara Stream at the northern-most boundary to the Waihi Stream at the southern-most boundary. The area also encompasses Te Papa-Kura-o-Taranaki, including te Tupuna Koro o Taranaki (Taranaki Maunga) and overlaps with Taranaki Iwi (west), Te Ātiawa (north), Ngāti Maru (north-east) and Ngāti Ruanui (east).
3. Ngā Hapū o Ngāruahine¹ are identified as:
 - a. Kanihi-Umutahi hapū;
 - b. Okahu-Inuawai hapū;
 - c. Ngāti Manuhiakai hapū;
 - d. Ngāti Tū hapū;
 - e. Ngāti Hāua hapū;
 - f. Ngāti Tamaahuroa-Titahi hapū.
4. This submission outlines the general view of Te Korowai as informed by our purpose, strategies, plans and policies – which can be found at can be found on our website www.ngaruahine.iwi.nz.
5. This submission is particularly informed by the following Pou of our Ka Ora Taku Toa Strategy², including:
 - a. Poua Te Patūtū (Kāinga) – Ngāruahine uri have access to warm and healthy housing;
 - b. Ngāruahinetanga – Growing the creative and cultural wealth of Ngāruahine and strengthening and celebrating the unqieu identity of Ngāruahine. Ngāruahine uri are culturally confident and connected. Our Ngāruahine tikanga, reo and taonga tuku iho is protected and preserved;
 - c. Tupua Te Mauri (Taiao) – Our natural environment is protected for generations to come.

¹ Section 13, *Ngāruahine Claims Settlement Act 2016*. Available at: <https://www.legislation.govt.nz/act/public/2016/0093/latest/DLM6536714.html>

² Te Korowai o Ngāruahine Trust (2021). *Ka Ora Taku Toa*. Available at: https://irp.cdn-website.com/9b6bde97/files/uploaded/TKNRT-Strategic_FINAL-3.pdf

6. The muru me te raupatu of whenua in Ngāruahine is well documented^{3,4,5}. That extent of the land loss rendered Ngāruahine landless. The landlessness has affected Ngāruahine iwi, hapū, whānau and uri for generations. Whilst the Crown, including South Taranaki District Council ('Council' or 'STDC'), as well as the community, have benefitted for many years from the confiscation of our whenua. The muru me te raupatu has limited Ngāruahine uri in being able to have an active relationship and fulfil our culture and traditions with our ancestral lands, wāhi tapu, water, taonga and other sites, including the ability of uri to live how we wish to, including through and as papakāinga.
7. The Ngāruahine Deed of Settlement⁶ identifies a number of Crown owned Deferred Selection Properties ('DSPs') and Right of First Refusal ('RFR') properties and the process by which Te Korowai can purchase those properties. An unfortunate constant reminder of the muru me te raupatu, we are required to use our financial redress to purchase these properties, ancestral Ngāruahine land, from the Crown. Most of these properties are returned as General Title Land and have a range of underlying zonings across the South Taranaki and Stratford District Council District Plans.
8. Te Korowai is working alongside Ngā Hapū o Ngāruahine to receive these properties back as part of our Land Reacquisition Programme. Alongside our Ngāruahine hapū and marae, we have completed desktop kāinga feasibilities and financial analysis on 16 properties to confirm if the properties are suitable for kāinga development, relative development cost and viability so trustees can make informed decisions about kāinga development on their whenua. Hapū and marae have prepared whenua strategies which have assisted in informing these feasibilities and analysis studies.
9. District Plan provisions which enable and empower our hapū, marae and whānau to develop papakāinga and utilise their whenua how they wish to are required and will go some way to addressing the on-going impacts of the muru me te raupatu now and for our mokopuna and future generations.
10. Te Korowai o Ngāruahine adopted *Te Uru Taiao o Ngāruahine, Ngāruahine Kaitiaki Plan* ('**Te Uru Taiao o Ngāruahine**'), in 2021. Te Uru Taiao o Ngāruahine has been lodged with South Taranaki District Council and this iwi management plan is a relevant planning document recognised by an iwi authority, for the purposes of plan/ plan change preparation⁷. Te Uru Taiao o Ngāruahine provides clear direction regarding the development of papakāinga in Ngāruahine.
11. Te Korowai o Ngāruahine appreciated the opportunity to participate in the Ngā Kaitiaki Roopū. The Roopū was consulted to provide some advice in the early development of Plan Change 3. However, we understand the Plan Change's development did not benefit directly from the

³ Ngāruahine and The Trustees of Te Korowai o Ngāruahine Trust and The Crown (2014). *Deed of Settlement of Historical Claims, 1 August 2014*. Available at: <https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngaruahine/DOS_documents/Ngaruahine-Deed-of-Settlement-1-Aug-2014.pdf>

⁴ Sections 8 and 9, *Ngāruahine Claims Settlement Act 2016*. Available at: <<https://www.legislation.govt.nz/act/public/2016/0093/latest/DLM6536714.html>>

⁵ Waitangi Tribunal (1996). *The Taranaki Report, Kaupapa Tuatahi. Wai 143 Muru and Raupatu. The Muru and Raupatu of the Taranaki Land and People*. Available at:

<https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68453721/Taranaki%201996.compressed.pdf>

⁶ Te Arawhiti (2024). *Ngāruahine*. Available at: <https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/ngaruahine/#Ngaruahine_DOS_DOC>

⁷ Section 74 (2A), Resource Management Act 1991. Available at: <<https://www.legislation.govt.nz/act/public/1991/0069/latest/whole.html#DLM233667>>

advice of tangata whenua, hapū, marae and trusts and therefore a complete picture in terms of relationship with ancestral lands has not been drawn.

12. The submissions of Te Korowai o Ngāruahine to the provisions of Proposed Plan Change 3: Papakāinga Development are included in Table 1, attached.
13. Te Korowai o Ngāruahine support in principle the papakāinga provisions in the STDC District Plan being strengthened, Te Korowai o Ngāruahine oppose Proposed Plan Change 3 in the absence of a clear and robust, efficient and effective objectives, policies and rule framework in relation to Papakāinga. Te Korowai o Ngāruahine seek the amendments as described in Table 1 to Proposed Plan Change 3.
14. Te Korowai o Ngāruahine could not gain an advantage in trade competition through this submission.
15. Te Korowai o Ngāruahine is affected by an effect of the subject matter of this submission that; adversely effects the environment; and does not relate to trade competition or the effects of trade competition.
16. Te Korowai o Ngāruahine do recommend an independent hearing commissioner who is experienced in kaupapa Māori and tangata whenua resource management issues should hear Plan Change 3. This could be done alongside representatives of the Council's Environment and Hearings Committee. We understand this is provided for at section 34A (1A) of the Resource Management Act 1991. Te Korowai o Ngāruahine consider this should set a positive scene for the full review of the District Plan.
17. Te Korowai o Ngāruahine are willing to participate in any pre-hearing/s and other kōrero for Plan Change 3.
18. Te Korowai o Ngāruahine wishes to be heard in support of our submission.
19. Te Korowai o Ngāruahine will consider presenting a joint case with others who have made similar submissions.
20. If you have any pātai, please contact the undersigned at the following:
Electronic address for service: teorangi@ngaruahine.iwi.nz
Postal Address: 147 High Street, Te Hāwera
Phone: 0275 057 306
Contact person: Te Aorangi Dillon
21. Thank you for the opportunity to provide this submission. Te Korowai o Ngāruahine look forward to confirmation of receipt of submission at your earliest convenience and next steps for notification of the Plan Change for further submissions.

Noho ora mai,



Te Aorangi Dillon
Tumu Whakarae
Te Korowai o Ngāruahine

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Definitions – ANCESTRAL LAND	Oppose	The Plan Change proposes to introduce a definition of ANCESTRAL LAND. The justification for the need for the definition is unclear and is considered to be unnecessary. Te Korowai are of the opinion that the definition adds no value to the interpretation of the Plan.	Delete definition of ANCESTRAL LAND
Definitions – GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT)	Oppose	<p>The Plan Change proposes to add a definition of GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT). Te Korowai consider this definition is too narrow and does not capture the range of land tenures in iwi, hapū, whānau, uri and trust ownership. Specifically for Te Korowai, land reacquired through the Treaty Settlement process and the Whenua Reacquisition Programme with Ngā Hapū o Ngāruahine.</p> <p>A new definition is required that reflects the types of whenua included for papakāinga and those excluded (when interpreting the rule framework).</p> <p>This is consistent with advice Te Korowai provided to Ngā Kaitiaki Roopū.</p>	Propose a new definition encompassing the relationship that hapū, iwi, marae, whānau and uri, have with their ancestral lands. Include in the definition land returned by Treaty Settlement.

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Definitions – MARAE	Support in Part	<p>There are eight existing marae in Ngāruahine takiwā (detailed in Schedule 7), many have recently been re-developed or are currently under redevelopment. All of our marae are located within the Rural Zone; however, this does not preclude further marae being developed across the takiwā. Our marae provide for diverse activities and uses. The definition of marae must be broad enough to ensure it captures all activities that are and could be undertaken on marae.</p> <p>In accordance with the Ngāruahinetanga pou and Te Uru Taiao o Ngāruahine, the definition of MARAE should be provided in te reo Māori.</p>	<p>Amend the wording of the definition of MARAE.</p> <p>Correction of errors in relation to Schedule 7.</p> <p>Provide the definition of MARAE in te reo Māori.</p>
Definitions – PAKAKĀINGA DEVELOPMENT	Oppose	<p>Papakāinga are comprehensive developments which enable whānau to use the whenua in a way they can live in accordance with their aspirations.</p> <p>The Plan Change proposes some amendments to the existing definition of PAKAKĀINGA DEVELOPMENT.</p>	<p>Amend the definition of PAKAKĀINGA DEVELOPMENT, ensuring Papakāinga, are comprehensive developments and use of whenua. Amend the definition to remove reference to land tenure.</p> <p>Propose a new definition broadening the inclusions for</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>Te Korowai consider the definition of PAKAKĀINGA DEVELOPMENT should be amended to not reference land tenure.</p> <p>A new definition is sought which broadens the inclusions for whenua identified for papakāinga, including Treaty Settlement whenua. This will ensure the rule framework does the heavy lifting instead of the definitions themselves.</p>	<p>whenua identified for papakāinga, including Treaty Settlement whenua.</p>
<p>Definitions – PAKAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND</p>	<p>Oppose</p>	<p>The Plan Change proposes to add a definition of PAKAKĀINGA ON GENERAL TITLE LAND. Te Korowai consider this definition is unnecessary and does not capture the range of land tenures in iwi, hapū, whānau, uri and trust ownership. Specifically for Te Korowai, land reacquired through the Treaty Settlement process and the Whenua Reacquisition Programme with Ngā Hapū o Ngāruahine.</p> <p>A new definition is required that reflects the types of whenua included for papakāinga and those excluded (when interpreting the rule framework).</p>	<p>Delete definition of PAKAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND.</p> <p>Propose a new definition broadening the inclusions and exclusions for whenua identified for papakāinga, including Treaty Settlement whenua.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.	
Section 2 Section 2.1 Rural Zone Section 2.2 Residential Zone Section 2.3 Township Zone Section 2.4 Commercial Zone Cross Referencing Table	Support in Part	The takiwā of Ngāruahine is vast and varied. The land use activities and explanation of policies must make reference to ancestral land, tangata whenua and the scarce nature of whenua Māori and Māori land as a resource. In addition to our marae, these are all features which form part of the character and amenity of those zones. In the absence of these details in the descriptions, the explanation of the zone and the application of the objectives and policies and assessment criteria are incorrect.	Amend the wording of sections 2.1 – 2.4, including addition or amendments to objectives and policies to accurately reflect the tangata whenua context in these environments. Consequential amendments may be required to the relevant sections of the cross referencing table.
Section 3: Rural Zone Rules 3.1.1 Permitted activities – (e) Marae	Support	Te Korowai o Ngāruahine support (e) Marae being a permitted activity in the Rural Zone. As described throughout this submission, currently our Ngāruahine marae are located in the Rural Zone.	Retain the wording of rule 3.1.1 (e)
Section 3: Rural Zone Rules 3.1.1 Permitted activities – (f) PAPA KĀINGA DEVELOPMENT ON	Oppose	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Rural Zone. In line with the proposed amendments sought to the definition of	Retain Papakāinga as a permitted activity in the Rural Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the

Section/ Sub-section/ Provision	Position	Submission	Relief sought
LAND HELD UNDER TE TURE WHENUA MĀORI ACT 1993		PAPAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	type of whenua papakāinga can be developed as a permitted activity. For example, the activity could be described as '(f) PAPAKĀINGA on WHENUA MĀORI'.
Section 3: Rural Zone Rules 3.1.2 Controlled activities – (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.	Support in part	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Amendments are sought to the rule in line with amendments to definitions.
Section 3: Rural Zone Rules 3.1.3 Restricted Discretionary Activities – (o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2. 3.1.3 Restricted Discretionary Activities – (p) Papakāinga developments on general title land	Oppose	Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “3.1.3 Restricted Discretionary Activities – (o) Papakāinga developments not on general title land <u>whenua Māori</u> that comply with the permitted activity performance standards in section 3.2”

Section/ Sub-section/ Provision	Position	Submission	Relief sought
that do not comply with one or more of the permitted activity performance standards in Section 3.2.			
Section 3: Rural Zone Performance Standards – Permitted Activities 3.2 Performance Standards – Permitted Activities 3.2.1 Number of dwellings (a) (v) Papakāinga is exempt from the above maximum number of dwellings units.	Support	Te Korowai o Ngāruahine support the exemption for the number of whare in a papakāinga.	Retain as proposed.
Section 3: Rural Zone Performance Standards – Permitted Activities 3.2 Performance Standards – Permitted Activities 3.2.2 Bulk and location (a) Height and location requirements	Oppose	Te Korowai seek that the bulk and location requirements for papakāinga in the Rural Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.	Te Korowai o Ngāruahine seek removal of the bulk and location (a) height and location requirements for Papakāinga.
Section 4: Residential Zone Rules 4.1.1 Permitted activities – (d) marae	Support	Te Korowai o Ngāruahine support (e) Marae being a permitted activity in the Residential Zone. As described above, we support the opportunity to establish marae in the Residential Zone.	Retain the wording of 4.1.1 Permitted activities – (d) marae

Section/ Sub-section/ Provision	Position	Submission	Relief sought
<p>Section 4: Residential Zone Rules</p> <p>4.1.2 Permitted activities – (e) papakāinga development on land held under Te Ture Whenua Māori Act 1993</p>	Oppose	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Residential Zone. In line with the proposed amendments sought to the definition of PAKAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Retain Papakāinga as a permitted activity in the Residential Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be developed as a permitted activity. For example, the activity could be described as '(f) PAKAKĀINGA on WHENUA MĀORI'.
<p>Section 4: Residential Zone Rules</p> <p>4.1.2 Controlled activities – (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9)</p>	Support in part	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Amendments are sought to the rule in line with amendments to definitions.
<p>Section 4: Residential Zone Rules</p> <p>4.1.3 Restricted Discretionary Activities – (f) Papakāinga</p>	Oppose	Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as "4.1.3

Section/ Sub-section/ Provision	Position	Submission	Relief sought
<p>developments on general title land that comply with the permitted activity performance standards in Section 4.2.</p> <p>4.1.3 Restricted Discretionary Activities – (g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9)</p>		<p>to the definitions as described earlier in this submission.</p> <p>Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.</p> <p>This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.</p>	<p>Restricted Discretionary Activities – (f) Papakāinga developments not on general title land <u>whenua Māori</u> that comply with the permitted activity performance standards in section 4.2” and similarly for rule 4.1.3 (g).</p>
<p>Section 4: Residential Zone Performance Standards – Permitted Activities</p> <p>4.2.1 Net Site Area</p>	Support	<p>Te Korowai support Papakāinga development being exempt from the net site area performance standards set out in 4.2.1(a)(i) and (ii).</p>	<p>Retain the wording as proposed.</p>
<p>Section 4: Residential Zone Performance Standards – Permitted Activities</p> <p>4.2.2 Bulk and location</p>	Oppose	<p>Te Korowai seek that the bulk and location requirements for papakāinga in the Residential Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.</p>	<p>Te Korowai o Ngāruahine seek removal of the bulk and location (a) height and location requirements for Papakāinga.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Section 5: Township Zone Rules 5.1.1 Permitted activities – (d) marae	Support	Te Korowai o Ngāruahine support (e) Marae being a permitted activity in the Township Zone. As described above, we support the opportunity to establish marae in the Township Zone.	Retain the wording of 5.1.1 Permitted activities – (d) marae
Section 5: Township Zone Rules 5.1.1 Permitted activities – (e) papakāinga development on land held under Te Ture Whenua Māori Act 1993	Oppose	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Township Zone. In line with the proposed amendments sought to the definition of PAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Retain Papakāinga as a permitted activity in the Township Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be developed as a permitted activity. For example, the activity could be described as '(f) PAKĀINGA on WHENUA MĀORI'.
Section 5: Township Zone Rules 5.1.2 Controlled activities – (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in section 5.2.	Support in part	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Amendments are sought to the rule in line with amendments to definitions.

Section/ Sub-section/ Provision	Position	Submission	Relief sought
<p>Section 5: Township Zone Rules</p> <p>5.1.3 Restricted Discretionary Activities – (f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 5.2.</p> <p>5.1.3 Restricted Discretionary Activities – (g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 5.2.</p>	Oppose	<p>Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission.</p> <p>Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.</p> <p>This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.</p>	<p>Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “5.1.3 Restricted Discretionary Activities – (f) Papakāinga developments not on general title land <u>whenua Māori</u> that comply with the permitted activity performance standards in section 5.2” and similarly for rule 5.1.3 (g).</p>
<p>Section 5: Township Zone Performance Standards – Permitted Activities</p> <p>5.2.1 Number of dwelling units and minimum site area</p>	Support	<p>Te Korowai support Papakāinga development being exempt from the minimum number of dwelling unit performance standards set out in 5.2.1(a) and the net site area performance standards set out in 5.2.1(b)</p>	<p>Retain the wording as proposed.</p>
<p>Section 5: Township Zone Performance Standards – Permitted Activities</p> <p>5.2.2 Bulk and location</p>	Oppose	<p>Te Korowai seek that the bulk and location requirements for papakāinga in the Township Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets</p>	<p>Te Korowai o Ngāruahine seek removal of the bulk and location (a) height and location requirements for Papakāinga.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		the aspirations for iwi, hapū, whānau, marae and uri.	
Section 6: Commercial Zone Rules 6.1.1 Permitted activities – (xiii) marae	Support	Te Korowai o Ngāruahine support (xiii) Marae being a permitted activity in the Commercial Zone. As described above, we support the opportunity to establish marae in the Commercial Zone.	Retain the wording of 6.1.1 Permitted activities – (xiii) marae
Section 6: Commercial Zone Rules 6.1.1 Permitted activities – (xiv) papakāinga development on land held under Te Ture Whenua Māori Act 1993	Oppose	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Commercial Zone. In line with the proposed amendments sought to the definition of PAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Retain Papakāinga as a permitted activity in the Commercial Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be developed as a permitted activity. For example, the activity could be described as '(xiv) PAKĀINGA on WHENUA MĀORI'.
Section 5: Commercial Zone Rules 5.1.2 Controlled activities – (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted	Support in part	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Amendments are sought to the rule in line with amendments to definitions.

Section/ Sub-section/ Provision	Position	Submission	Relief sought
activity performance standards in section 6.2.			
<p>Section 6: Commercial Zone Rules</p> <p>6.1.3 Restricted Discretionary Activities – (e) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 6.2.</p> <p>6.1.3 Restricted Discretionary Activities – (f) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p>	Oppose	<p>Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission.</p> <p>Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.</p> <p>This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.</p>	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “6.1.3 Restricted Discretionary Activities – (e) Papakāinga developments not on general title land <u>whenua Māori</u> that comply with the permitted activity performance standards in section 6.2” and similarly for rule 6.1.3 (f).
<p>Section 6: Commercial Zone Performance Standards – Permitted Activities</p> <p>6.2.1 Bulk and location</p> <p>6.2.3 Sites Adjoining Residential Zone or Rural Zone</p> <p>6.2.4 Minimum and Maximum Floor Areas</p> <p>6.2.10 Residential Activities and Visitor Accommodation</p>	Oppose	Te Korowai seek that the relevant performance standards are removed 6.2.1, 6.2.3, 6.2.4, 6.2.10 requirements for papakāinga in the Commercial Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.	Te Korowai o Ngāruahine seek removal of the performance standards requirements for Papakāinga.

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Financial/ Development Contributions	Support	<p>Te Korowai o Ngāruahine made a submission to the STDC Draft Long-Term Plan 2024 – 2034 in relation to the removal for the requirement of financial/ development contributions for papakāinga and housing provision on whenua Māori. The removal of the financial/ development contributions on papakāinga would remove further barriers for iwi, hapū, marae, whānau and uri in the development of papakāinga.</p> <p>Whilst we appreciate that submission was made under the Local Government Act requirements, we consider it appropriate that this is reflected in the Plan. Te Korowai o Ngāruahine understand there are provisions under the Resource Management Act which enable this consideration.</p>	Remove the requirement for financial/ development contributions for papakāinga in the Plan through the rule framework.

Table 1: Te Korowai o Ngāruahine submission points

Health New Zealand
Te Whatu Ora

Health NZ National Public Health Service Te Manawa Taki
Private Bag 2016
New Plymouth 4310

13 May 2024

To: South Taranaki District Council
PlanChange@STDC.govt.nz

Name of Submitter: Health NZ National Public Health Service Te Manawa Taki

Submission to: Plan Change 3: Papakāinga Development

Health NZ National Public Health Service Te Manawa Taki or I **could not** gain an advantage in trade competition through this submission.

Health NZ National Public Health Service Te Manawa Taki **does** wish to be heard in support of this submission and **would not** consider presenting a joint case with others who make a similar submission.

Specific provisions of the proposal that this submission relates to are:

The provisions that enable papakāinga development within the South Taranaki District.

Submission

Health New Zealand | Te Whatu Ora (Health NZ) leads the day-to-day running of the health system across Aotearoa New Zealand, and either provides or commissions services at local, regional, and national levels. Under the Pae Ora (Healthy Futures) Act 2022, one of the key objectives of Health NZ is “to promote health and prevent, reduce, and delay ill-health, including by collaborating with other agencies, organisations, and individuals to address the determinants of health.”

The National Public Health Service (NPHS) is a division of Health NZ and leads the delivery of Health Protection, Health Promotion and Prevention services, as well as working with the Public Health Agency (PHA) and Ministry of Health – Manatū Hauora (MoH) on intelligence, population health and policy. As a Tiriti o Waitangi partner, NPHS advocates for equitable health outcomes, by striving to eliminate health differences, particularly for Māori, and build towards Pae Ora (healthy futures) for everyone.

It is understood that health is more than the absence of disease or infirmity¹. The New Zealand Health Strategy includes a broad definition of health for the achievement of Pae Ora (healthy futures) and includes the goals of achieving health equity and improving health outcomes for all New Zealanders. An important part of this is promoting and supporting *mauri ora* (healthy individuals and ways of living), *whānau ora* (healthy families), and *wai ora* (healthy environments). The New Zealand Health Strategy recognises that there are multiple factors that influence health and wellbeing, including our communities and places people live and work².

Ensuring that there is sufficient, appropriate and healthy housing to meet the needs of the population now and into the future is critical to maintaining and improving public health. Housing is an essential social determinant of health; housing is also a key influence on inequitable health outcomes for Māori³. The concept of papakāinga can mean different things to Māori and ensuring that a broad understanding of this is included in provisions for development is essential⁴. Providing increased opportunities for papakāinga developments also supports intergenerational wellbeing and allows Māori to exercise Tino Rangatiratanga over their land and to develop homes that go beyond physical structures and are places where there is a connection to whenua (land) and whakapapa (genealogy)^{5,6}. Including provisions in the South Taranaki District Plan that are enabling for papakāinga development is a way for the South Taranaki District Council to support improved health, economic and cultural wellbeing outcomes for Māori and an opportunity for South Taranaki District Council to further meet its obligations under Te Tiriti o Waitangi^{7,8}.

Residential development can bring many other benefits to communities, including opportunities for economic growth and increasing population. Ensuring a diversity of housing options in a community gives people of all life stages and income levels the ability to live in warm, dry, healthy housing⁹. It is important that housing options are planned to meet the needs of the community, both now and into the future.

Decision Sought

Health NZ National Public Health Service Te Manawa Taki supports increased provision for papakāinga development in the South Taranaki District Council District Plan.

¹ WHO. [Constitution of the World Health Organization \(who.int\)](https://www.who.int)

² Ministry of Health. 2023. New Zealand Health Strategy. Wellington: Ministry of Health. [New Zealand Health Strategy](#)

³ New Zealand College of Public Health Medicine. (2023). Housing Policy Statement. [2023 NZCPHM Housing Policy Statement.pdf](#)

⁴ Smith, D. L., Oetzel, J. G., Simpson, M. L., Wilson, Y., Nock, S., & Reddy, R. (2024). Kaumātua needs and perspectives regarding urban papakāinga: a mixed methods observational study. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 1-22.

⁵ Smith, D. L., Oetzel, J. G., Simpson, M. L., Wilson, Y., Nock, S., & Reddy, R. (2024). Kaumātua needs and perspectives regarding urban papakāinga: a mixed methods observational study. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 1-22.

⁶ Boulton, A., Allport, T., Kaiwai, H., Harker, R., & Potaka Osborne, G. (2022). Māori perceptions of 'home': Māori housing needs, wellbeing and policy. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 17(1), 44–55.

⁷ Smith, D. L., Oetzel, J. G., Simpson, M. L., Wilson, Y., Nock, S., & Reddy, R. (2024). Kaumātua needs and perspectives regarding urban papakāinga: a mixed methods observational study. *Kōtuitui: New Zealand Journal of Social Sciences Online*, 1-22.

⁸ New Zealand College of Public Health Medicine. (2023). Housing Policy Statement. [2023 NZCPHM Housing Policy Statement.pdf](#)

⁹ Health in All Policies Team, Community and Public Health (2019). *Integrated Planning Guide for a healthy sustainable and resilient future*. Christchurch, New Zealand: Canterbury District Health Board.

Health New Zealand
Te Whatu Ora

To protect and enhance public health the following suggestions are provided for consideration:

- Ensure the definition of papakāinga is clear and incorporates a broad understanding of what papakāinga and 'home' represent to Māori.
- Ensure that there is a focus on increasing health and wellbeing outcomes when the provisions of this plan change are applied to applications for development, including addressing social determinants of health and increasing the availability of healthy housing for Māori as well as enabling Māori whānau and hapū to live in a way that reflects their own priorities and aspirations.
- Ensure that there is a communication plan associated with this plan change so that residents, whānau, iwi and hapū are aware of the opportunities for development that may be available to them.

Should the Council require any further information to support the decision making for this or other initiatives related to healthy housing, please do not hesitate to contact me.

Details

Contact: Ngamata Skipper

Email: ngamata.skipper@tewhatuora.govt.nz

Postal Address: Private Bag 2016, New Plymouth 4310

Telephone: 06 753 7777 extn 8504

Ngā mihi



Ngamata Skipper

Manager Community and Whanau Wellbeing

National Public Health Service

Te Manawa Taki



30 May 2024

Attn: South Taranaki District Council
PO Box 902
Hawera 4640
Submission by email via: planchange@stdc.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON A
NOTIFIED PROPOSAL FOR PROPOSED DISTRICT PLAN CHANGE 3: PAKĀINGA
DEVELOPMENT TO THE OPERATIVE DISTRICT PLAN UNDER CLAUSE 6 OF
SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991**

This is a submission by Kāinga Ora - Homes and Communities on Proposed District Plan Change 3: Papakāinga Development (PC3) to the Operative South Taranaki District Plan (“the Plan” or “District Plan”) from South Taranaki District Council (“the Council” or “STDC”):

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that this submission relates to:

PC3 to the District Plan in its entirety.

This document and the Appendices attached is Kāinga Ora submission on PC3.



The Kāinga Ora submission is:

1. Kāinga Ora Homes and Communities (“**Kāinga Ora**”) is a Crown Entity and is required to give effect to Government policies. Kāinga Ora has a statutory objective that requires it to contribute to sustainable, inclusive, and thriving communities that:
 - a) Provide people with good quality, affordable housing choices that meet diverse needs; and
 - b) Support good access to jobs, amenities and services; and
 - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
2. As part of the Kāinga Ora statutory requirements, Kāinga Ora must consider and provide for Māori interests by:
 - a) Maintaining systems and processes to ensure that, for the purposes of carrying out its urban development functions, Kāinga Ora has the capability and capacity to uphold the Te Tiriti o Waitangi and its principles, to understand and apply Te Ture Whenua Māori Act 1993, and to engage with Māori and to understand Māori perspectives;
 - b) Understanding, supporting, and enabling the aspirations of Māori in relation to urban development;
 - c) Identifying and protecting Māori interests in land, and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
 - d) Partnering and having early and meaningful engagement with Māori and offering Māori opportunities to participate in urban development.
3. Because of these statutory objectives, Kāinga Ora has interests beyond its role as a public housing provider. This includes a role as a landowner and developer of residential housing and as an enabler of quality urban developments through increasing the availability of build-ready land across the Waikato region.
4. Kāinga Ora therefore has an interest in PC3 and how it:



- a) How it enables development opportunities for Māori on their land, whether it be general title land or Māori Title Land to enable Māori to undertake residential and associated activities in line with their cultural traditions and norms.
 - b) Gives effect to the National Policy Statement on Urban Development (“**NPS-UD**”);
 - c) Minimises barriers that constrain the ability to deliver housing development across public housing, affordable housing, affordable rental and market housing; and
 - d) Provides for the provision of services and infrastructure and how this may impact on the existing and planned communities, including Kāinga Ora housing developments.
5. Kāinga Ora supports the recognition and enablement of papakāinga across the district plan, however, as written, the new provisions are considered restrictive, and therefore do not enable Māori to develop land in a manner that supports their cultural, environmental, and economic wellbeing.
6. The Kāinga Ora submission seeks amendments to PC3 for the following:
- a) Allow for papakāinga and associated activities as a permitted activity on both Māori Title Land and general title land. Kāinga Ora supports the provision of papakāinga and associated activities on all land and not just on land in Māori title.
 - b) Expand definition of Marae and Papākainga to provide for education, home based business and associated commercial activities. This recognises that papakāinga are places not just for housing, but as self-contained community hubs.
 - c) Remove character and amenity assessments for controlled and restricted discretionary activities. Other matters listed can assess specific effects related to the activity/non-compliance and the inclusion of character and amenity does not provide certainty to applicants.
 - d) Allow individuals to demonstrate their ancestral connection land. This can be more appropriately managed to ensure papakāinga is managed in perpetuity.
7. The changes sought are made to:
- i. Ensure that Kāinga Ora can carry out its statutory obligations;



- ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction and regional alignment;
 - iii. Ensure that the s32 analysis has appropriately analysed and considered other reasonable options to justify the proposed plan provisions;
 - iv. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;
 - v. Provide clarity for all plan users; and
 - vi. Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.
8. The Kāinga Ora submission points and changes sought can be found within Table 1 of **Appendix 1**, which forms the bulk of the submission.

Kāinga Ora seeks the following decision from STDC:

That the specific amendments, additions or retentions which are sought as specifically outlined in **Appendix 1**, are accepted and adopted into Proposed Plan Change 3, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC3 to address the matters raised in its submission.

If others make a similar submission, Kāinga Ora are happy to consider presenting a joint case at a hearing.


.....
Brendon Liggett
Development Planning Manager
Kāinga Ora – Homes and Communities



ADDRESS FOR SERVICE: *Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland 1051. Email: developmentplanning@kaingaora.govt.nz*



Appendix 1: Decisions sought Proposed Plan Change 3

The following table sets out the amendments sought to Proposed Plan Change 3 to the Operative South Taranaki District Plan and also identifies those provisions that Kāinga Ora supports.

Kāinga Ora proposed changes in Proposed Plan Change 54 are shown as ~~strikethrough~~ for deletion and underlined for proposed additional text.

Table 1

ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
<p><i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strickethrough for deletion and <u>underlined</u> for proposed additional text</i></p>					
Māori Purpose Zone (MPZ)					
1.	Introductions and Definitions	Definitions	Support	Kāinga Ora supports the definition.	Retain as notified.
2.	Introductions and Definitions	Definitions)	Support	Kāinga Ora supports the definition.	Retain as notified.
3.	Introductions and Definitions	Definitions	Support in part	Kāinga Ora supports this definition, however, considers that it could be expanded to provide for education, home based business and associated commercial activities which provide for Māori social, economic and cultural wellbeing.	MARAE: means the land and buildings for the use of a Māori community family, hapū or tribe, and includes wharenui (meeting house), wharekai (dining rooms), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church), and other marae-based facilities, such as papakāinga development, community activities, kohanga, childcare activities, and health care facilities, <u>and urupā, education, homebased business and associated commercial activities.</u>
4.	Introductions and Definitions	Definitions	Support in part	Kāinga Ora supports this definition, however, considers that it could be expanded to provide for education, home based business and associated commercial activities, which provide for Māori social, economic and cultural wellbeing. Kāinga Ora also seeks the inclusion of general title land as part of the definition, papakāinga and associated activities should be a provided for on both Māori Title Land and general title land.	PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres, <u>education, homebased business and associated commercial activities</u> and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993) <u>and general title land.</u>
5.	Introductions and Definitions	Definitions	Oppose	Consistent with submission point 4 above, Kāinga Ora seeks the deletion of this definition, papakāinga and associated activities should be a provided for on both Māori Title Land and general title land.	<u>PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres, and other community building and recreation facilities on general title land that is owned by Māori.</u>
6.	Objectives	Tangata Whenua 2.7.8	Support	Kāinga Ora supports this objective, particularly with reference to enhancing iwi, hapū and whānau social, cultural and economic well-being.	Retain as notified.
7.	Objectives	Tangata Whenua 2.7.11	Support in part	Kāinga Ora support this objective however papakāinga should not be limited to Tangata Whenua and should be available instead to iwi, hapū and whānau.	To provide for papakāinga development on land owned by <u>Tangata Whenua iwi, hapū and whānau.</u>
8.	Policies	Tangata Whenua 2.7.18	Support	Kāinga Ora supports this objective allowing for papakāinga on General Title Land.	Retain as notified.
9.	Policies	Tangata Whenua 2.7.21	Support in part	Kāinga Ora supports this policy, however, it should be noted that 'key sites' is not identified anywhere in the Definitions section and should be included.	Include a definition for 'key sites'.



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</i>
10.	Explanation of Policies	Tangata Whenua	Support in part	Kāinga Ora supports this explanation in part, however, it is too restrictive and instead should focus on whakapapa, not on historic titles. The current explanation defeats the purpose of enabling papakāinga on General Title Land and does not provide for future acquisition of General Title Land for papakāinga purposes.	Amend as follows: Provision is made for papakāinga on General Title Land in the District Plan where applicants can demonstrate long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapū and whānau long-term. In these cases, <u>demonstrating whakapapa evidence such as historic titles that shows the land has been held in whānau ownership, and</u> or holding the land in a Trust can be utilised.
11.	Methodology of implementation	Tangata Whenua	Support	Kāinga Ora supports the methodology in providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.	Retain as notified.
12.	Rural Zone Rules	3.1.1 Permitted Activities	Support in part	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be treated as a permitted activity on general title as well.	(f) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title that.</u>
13.	Rural Zone Rules	3.1.2 Controlled Activities	Support in part.	While Kāinga Ora supports the activity status as a Controlled activity, this should also include papakāinga on general title land. Additionally, some of the matters of control are too broad. In particular 3.1.2 (ii) does not provide certainty to applicants and gives Council too much discretion for a Controlled Activity. In addition, 3.1.2 (i) provides Council scope to address those effects relevant to the non-compliance, while also providing certainty for the applicant. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024. Kāinga Ora seeks for matter 3.1.2 (ii) to be removed from the rule. Following this matter 3.1.2 (iv) is redundant and is covered by 3.1.2 (v), this matter should be removed.	Amend as follows: (b) Papakāinga developments <u>on land held under Te Ture Whenua Māori Act 1993</u> that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. <u>(ii) Effects on character and amenity values.</u> (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. <u>(iv) Connection to services.</u> (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought <i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text
14.	Rural Zone Rules	3.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and seeks the deletion of this rule.	<p>Delete:</p> <p>(o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2, subject to demonstrating:</p> <p>(iii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>
15.	Rural Zone Rules	3.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	<p>Delete:</p> <p>(p) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</p> <p>(iv) Connection to services.</p> <p>(v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga. In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p>



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</p> <p>(vii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanisms to ensure that land is maintained in Māori ownership.</p> <p><u>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account.</u></p> <p><u>The matters that Council will seek advice from iwi authorities on include:</u></p> <p><u>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</u></p> <p><u>(b) Any other matter related to tikanga Māori</u></p>
16.	Residential Zone Rules	4.1.1 Permitted Activities	Support	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	(e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>
17.	Residential Zone Rules	4.1.2 Controlled Activities	Support in part	Kāinga Ora support the activity status, however, this should also cover papakāinga on general title land. In addition, some of the matters of control are too broad, in particular 4.1.2 (iii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. In addition, the definition of Papakāinga as provided by Council may conflict with the existing residential character of most areas and is therefore inappropriate. Matters 4.1.2 (i) and (ii) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 3.1.2 (iii) to be removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024.	<p>Amend as follows:</p> <p>None.</p> <p>a) Papakāinga developments <u>on land held under Te Ture Whenua Māori Act 1993</u> that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>(i) Site Layout.</p> <p>(ii) Scale and design of buildings.</p> <p>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(iv) Location, function and amenity of on-site open space.</p> <p>(v) Access, extent of impervious surfaces and landscaping.</p>
18.	Residential Zone Rules	4.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete: <p>f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 4.2</p>



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p><u>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account.</u></p> <p><u>The matters that Council will seek advice from iwi authorities on include:</u></p> <p><u>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</u></p> <p><u>(b) Any other matter related to tikanga Māori.</u></p>
19.	Residential Zone Rules	4.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be treated as a permitted or controlled activity and the deletion of this rule.	<p>Delete:</p> <p><u>g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9);</u></p> <p><u>Matters to which the Council restricts its discretion:</u></p> <p><u>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. Matters include:</u></p> <p><u>(i) Site Layout</u></p> <p><u>(ii) Scale and design of buildings;</u></p> <p><u>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties;</u></p> <p><u>(iv) Location, function and amenity of on-site open space.</u></p>



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought <i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text
					<p>(v) Access, extent of impervious surfaces and landscaping.</p> <p>(ii) Effects on residential character and amenity values.</p> <p>(iii) Connections to services.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(v) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>
20.	Residential Zone Rules	Performance Standards – Permitted Activities 4.2.1 Net Site Area	Support	Kāinga Ora supports that there are no density requirements for papakāinga.	Retain as notified.
21.	Township Zone Rules	5.1.1 Permitted Activities	Support in part	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	(e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>
22.	Township Zone Rules	5.1.2 Controlled Activities	Support in part	Kāinga Ora support the activity status as a Controlled activity, however, this should also cover papakāinga on general title land. Some of the matters of control are too broad, in particular 5.1.2 (a)(ii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. Matters 5.1.2 (a)(i) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 5.1.2 (a)(ii) to be removed from the rule. Discussion on this is provided in section 5.7 of the	Amend as follows: None. (a) Papakāinga developments <u>on land held under Te Ture Whenua Māori Act 1993</u> that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control:



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
				Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024.	<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as struckthrough for deletion and <u>underlined</u> for proposed additional text</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Connection to services.</p>
23.	Township Zone Rules	5.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	<p>Delete:</p> <p>(f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 5.2.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account.</p> <p>The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori</p>
24.	Township Zone Rules	5.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	<p>Delete</p> <p>(g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 5.2.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p>



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</p> <p>(ii) Effects on character and amenity values;</p> <p>iii) Connection to services;</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion;</p> <p>iv) Connection to services;</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion;</p> <p>(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land;</p> <p>v) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership;</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori;</p>
25.	Township Zone Rules	5.2.1 Number of Dwelling Units and Minimum Site Area	Support	Kāinga Ora supports that papakāinga is exempt from any density standards.	Retain as notified.
26.	Commercial	6.1.1 Permitted Activities	Support in part	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	(xiv) Papakāinga development on land held under Te Ture Whenua Māori Act 1992;
27.	Commercial	6.1.2 Controlled Activities	Support in part	Kāinga Ora support the activity status as a Controlled activity, however, this should also cover papakāinga on general title. Some of the matters of control are too broad, in particular 6.1.2 (b)(ii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. Matters 6.1.2 (b)(i) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 6.1.2 (b)(ii) to be	<p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1992; that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p>



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought <i>Kāinga Ora proposed changes in Proposed Plan Change 5 are shown as struckthrough for deletion and <u>underlined</u> for proposed additional text</i>
				removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication <i>Analysis of District Plan Papakāinga Rules</i> dated 30 April 2024.	(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services.
28.	Commercial	6.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete (e) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its discretion: (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land. (ii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership. Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include: (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land. (b) Any other matter related to tikanga Māori
29.	Commercial	6.1.3 Restricted Discretionary Activities	Oppose	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Delete (f) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its discretion: (iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (iv) Effects on character and amenity values.



ID	Section of Plan	Specific Provision	Support/ Support in Part/ Oppose	Reasons	Relief Sought
					<p><i>Kāinga Ora</i> proposed changes in Proposed Plan Change 5 are shown as strikethrough for deletion and <u>underlined</u> for proposed additional text</p> <p>(v) Connection to services.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(vii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>
30.	Resource Consent Information Requirements and Assessment Matters	20.5 Assessment Matters	Support in part.	Kāinga Ora support the matters of assessment, however, the maintenance of the land title is a private matter and is inappropriate matter for Council to assess this as part of a resource consent. Kāinga Ora seeks that this should be removed from the assessment matters.	<p>(f) For applications on General Title Land, whether evidence of an ancestral connection to the land <u>and maintenance of the land title</u> has been demonstrated.</p> <p>Appropriate legal mechanisms to demonstrate this may include:</p> <ul style="list-style-type: none"> (i) Historic Record of Titles. (ii) Managing the land via a Trust.



30 May 2024

South Taranaki District Council

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Te Hāwera 4640

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6

Attention: South Taranaki District Council

Tēnā Koe

NGĀ MAHANGA - SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3: PAPA KĀINGA DEVELOPMENT

A INTRODUCTION

Pouākai, Pukeiti, Patuhā, Pioke, Paritutu, Te Iringa-a-Niu and Kaitake stand within the rohe of Ngā Mahanga a Tāiri (Ngā Mahanga and Ngāti Tāiri). Each feature prominently in our kōrero relating to the arrival of Rua Taranaki to these lands after battles with both Ngāuruhoe and Tongariro.

From these Maunga flow waters sacred to Ngā Mahanga a Tāiri, with each assigned a spiritual guardian of their own and our many wāhi tapu, sites of significance dot these treasured places, from ancient pā, papa kainga, whare wānanga, numerous urupā, to taonga and sites of highly valued natural resource such as kōkōwai, rongoā Māori and māra kai.

An inheritance handed on to us by our tūpuna, those of us today strive to fulfil our obligations as Kaitiaki, to care for these taonga, these lands, waters and wāhi tapu. For in doing so, we honour the deeds of our Tūpuna, maintain a connection to our sacred places and spaces, which define us as Ngā Mahanga a Tāiri, and ensure this legacy continues to be handed on to future generations.

With the advent of war, confiscation and colonisation, Ngā Mahanga now sits under the mantle of TTe Kahui O Taranaki. Ngā Mahanga are based at Pūniho Pā-Tarawainuku Marae which is within the STDC rohe

B SUBMISSION OF NGĀ MAHANGA TO THE PROVISIONS OF THE PROPOSED PLAN CHANGE 3: PAPA KĀINGA DEVELOPMENT ARE INCLUDED IN TABLE 1.

The specific submissions and the decisions sought for Plan Change 3: Papakāinga Development are as follows:

Section / Sub-section / Provision	Support / Support in Part / Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>

<p>Definitions – ANCESTRAL LAND</p>	<p>Oppose</p>	<p>The Plan Change proposes to introduce a definition of Ancestral Land. This definition is not used anywhere else within the plan.</p>	<p>Unclear what role this definition plays within the plan. Remove the definition of Ancestral Land</p>
<p>Definitions – GENERAL TITLE LAND</p>	<p>Support in Part</p>	<p>The Plan Change introduces a definition for General Title Land:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAPA KĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.</i></p> <p>This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership under a different construct.</p>	<p>Amend the definition of General Title Land to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.</p>
<p>Definitions – PAPA KĀINGA DEVELOPMENT</p>	<p>Support in Part</p>	<p>Papakāinga Development is defined as follows:</p> <p><i>PAPA KĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993).</i></p>	<p>Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.</p>

		This definition needs to be amended to provide for a range of other land tenures as per above.	
Definitions – PAPA KĀINGA DEVELOPMENT ON GENERAL TITLE LAND	Support	<p>A new definition for Papakāinga Development on General Title Land is introduced as follows:</p> <p><i>PAPA KĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.</i></p> <p>This is supported on the basis that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau.</p>	Retain the definition of Papakāinga Development on General Title.
Rural Zone Rules – Rule 3.1.1(f)	Oppose	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

<p>Rural Zone Rules – Rule 3.1.2(b)</p>	<p>Support in Part</p>	<p>The Plan change introduces a new sub-rule that reads as follows:</p> <p><i>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <ul style="list-style-type: none"> <i>i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i> <i>ii. Effects on character and amenity values.</i> <i>iii. Measures proposed to avoid or mitigate potential reverse sensitivity effects.</i> <i>iv. Connection to services.</i> <i>v. In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.</i> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	<p>Amend the rule as follows:</p> <p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p>Matters to which the Council restricts its control:</p> <ul style="list-style-type: none"> i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. ii. Effects on character and amenity values. iii. Measures proposed to avoid or mitigate potential reverse sensitivity effects. iv. Connection to services. v. In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.
<p>Residential Zone Rules – Rule 4.1.1(e)</p>	<p>Oppose</p>	<p>The plan change proposes to amend the rule to read as follows:</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

		<p><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	
<p>Residential Zone Rules – Rule 4.1.2(a)</p>	<p>Support in Part</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p>a. <i>Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p>i. <i>Site Layout.</i> ii. <i>Scale and design of buildings.</i> iii. <i>Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</i> iv. <i>Location, function and amenity of on-site open space.</i></p>	<p>Amend the rule as follows:</p> <p>a. Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>vi. Site Layout. vii. Scale and design of buildings. viii. Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties. ix. Location, function and amenity of on-site open space. x. Access, extent of impervious surfaces and landscaping.</p>

		<p>v. <i>Access, extent of impervious surfaces and landscaping.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
<p>Township Zone Rules – Rule 5.1.1(e)</p>	<p>Oppose</p>	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>
<p>Township Zone Rules – Rule 5.1.2(a)</p>	<p>Support in Part</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control:</i></p> <p>i. <i>Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i></p>	<p>Amend the rule as follows:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.</p> <p>Matters to which the Council restricts its control:</p> <p>i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>ii. Effects on character and amenity values.</p> <p>iii. Connection to services.</p>

		<p>ii. <i>Effects on character and amenity values.</i></p> <p>iii. <i>Connection to services.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
<p>Commercial Zone Rules – Rule 6.1.1(xiv)</p>	<p>Oppose</p>	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>
<p>Commercial Zone Rules – Rule 6.1.2(b)</p>	<p>Support in Part</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p>b. <i>Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p>i. <i>Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance</i></p>	<p>Amend the rule as follows:</p> <p>a. Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p> <p>iv. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>v. Effects on character and amenity values.</p> <p>vi. Connection to services.</p>

		<p><i>standard(s) that is not met.</i></p> <p>ii. <i>Effects on character and amenity values.</i></p> <p>iii. <i>Connection to services.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
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C CONCLUSIONS AND RECOMMENDATIONS

1. Ngā Mahang Support, Support in Part and Oppose sections of Proposed Plan Change 3: Papakāinga Development, and seek the amendments as described in Table 1 to the Proposed Plan Change.
2. Ngā Mahanga could not gain an advantage in trade competition through this submission.
3. Ngā Mahanga wishes to be heard in support of our submission.
4. Ngā Mahanga will consider presenting a joint case with others who have made similar submissions.
5. Electronic address for service: secretary@puniho.co.nz, tanemanu77@gmail.com
 Postal Address: PO Box 385, New Plymouth 4310
 Contact person: Tāne Manu

Ngā Mihi

Tāne Manukonga - Puniho Pa Trustee
 Ngā Mahanga Hapu Representative



Form 5: Submission

on notified proposed District Plan or Plan Change or Variation or Policy Statement.

Clause 6 of Schedule 1, Resource Management Act 1991.

6

To: South Taranaki District Council

Name of submitter (full name) Ngāti Hāua Hapū

This is a submission on the following proposed policy statement (or on the following proposed plan or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the the following proposed variation to a change to an existing policy statement or plan) (the **proposal**):

Name of

proposed or existing policy statement or plan (where applicable) change or variation

Plan Change 3: Papakāinga Development

***I ~~could~~/could not** gain an advantage in trade competition through this submission**

I am ~~am not~~ directly affected by an effect of the subject matter of the submission:**

- a) adversely affects the environment; and**
- b) does not relate to trade competition or the effects of trade competition**

*Delete entire paragraph if you could not gain an advantage in trade competition through this submission

** Select one

Specific provisions of the proposal that my submission relates to are:

[Give details]

See attachment

My Submission

[Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your view]

See attachment

I seek the following decision from the local authority

[give precise details].....

See attachment

.....
.....
.....
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.....
.....
.....

I wish/~~do not wish~~** to be heard in support of my submission.

I will/~~will not~~** consider presenting a joint case with others presenting similar submissions.

** Select one

Signature

Karl Adamson

**Signature [or person authorised to sign on behalf of submitter]

Date ... 30.5.2024

**A signature is not required if you make your submission by electronic means

Your details

our preferred methods of corresponding with you are by email and phone

Electronic address for service of submitter [email] ... secretary@ngatihaua.nz; chairperson@ngatihaua.nz

Telephone [work] [home] [mobile]

Postal Address [or alternative method of service under section 352 of the Act]

Postcode

Contact person [name and designation, if applicable] ... Karl Adamson, Chairperson

I wish for my postal address to be withheld from being publicly available

Notes to person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- > it is frivolous or vexatious:
> it discloses no reasonable or relevant case:
> it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
> it contains offensive language:
> it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Your submission and contact details will be made publicly available.

- > In accordance with clause 7 of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under clause 8A of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).
> Section 352 of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes above.

30 May 2024

South Taranaki District Council
Private Bag 902
Te Hāwera 4640

BY EMAIL planchange@stdc.govt.nz

Attention: Mayor Phil Nixon and South Taranaki District Council Councillors

Tēna koe Matua Phil koutou ko ngā kaikaunihera o Te Kaunihera o Taranaki ki Te Tonga

**NGĀTI HĀUA HAPŪ – SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3:
PAPAKĀINGA DEVELOPMENT**

*Ko Taranaki te maunga
Ko Aotea Utanganui te waka
Mai Rāoa ki Waiongongoro koirā te takiwā*

*Ko Tawhitinui te ingoa kei runga i tētehi o ngā pā
Ko Okare Tua Toru te whare tupuna kei reira*

*Ko Taikātu te ingoa o te pā tuarua kei roto i a Ngāti Hāua
Ko Okare-ki-Uta te ingoa o te whare tupuna kei reira*

Ko Ngāti Hāua te hapū.

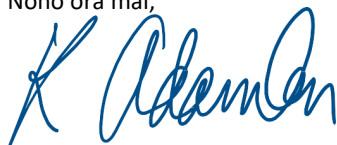
1. Ngāti Hāua Hapū Whānui Incorporated Society ('**Ngāti Hāua Hapū**' or '**Ngāti Hāua**') is responsible for and shall be recognised in whole or in part of all the whenua, awa, takutai, hau takiwā, moana, maunga and all of their resources bounded by Ngāti Hāua Hapū rohe which extends seaward from the mouth of the Otakeho stream following inland to Taranaki Maunga, then turning and following the western side of the Rāoa stream back to seaward, Hawaikiinui, Hawaikiroa, Hawaikipāmamao.
2. Our whanaungatanga rohe extends from the eastern side of the Kaipokonui River of Ngāti Tū Hapū, to the western side of the Wahamoko stream of Ngāti Tamaahuroa-Titahi Hapū, Hawaikiinui, Hawaikiroa, Hawaikipāmamao.
3. "*Muru, Raupatu, Muru Ano*" – the extensive muru me te raupatu of whenua in Ngāruahine is well documented. That land loss essentially rendered Ngāruahine, including Ngāti Hāua Hapū, landless. That landlessness has affected Ngāti Hāua hapū, whānau and uri for generations, the atrocities of the muru me te raupatu has limited us in our abilities to have an active relationship with our ancestral lands, wāhi tapu, water, taonga and other sites, including the ability to live in any way we wish to, including through Papakāinga. The Crown, including South Taranaki District Council ('**Council**' or '**STDC**') has benefited for many years from the confiscation of this whenua.
4. Ngāti Hāua Hapū alongside Te Korowai o Ngāruahine are working on the return of whenua within our takiwā identified as Deferred Selection Properties ('**DSPs**') within the Ngāruahine Deed of Settlement (2014) and the Ngāruahine Claims Settlement Act, promulgated in 2016. We understand these DSPs will be returned by the Crown with a General Title tenure. This is

reflective of DSP and Right of First Refusal ('RFR') properties returned through settlement process around the motu to date.

5. Ngāti Hāua Hapū have a whenua strategy and will continue to explore opportunities for use of our whenua alongside our two pā, Tawhitinui and Taikātu, ensuring our social, cultural, economic and environmental aspirations are met and continue to be met for future generations and our relationship and culture and traditions with our ancestral lands recognised and provided for.
6. Other opportunities to reacquire whenua, such as whenua owned by South Taranaki District Council, including whenua obtained and utilised for public works purposes, may be able to be explored too. Concurrent to this, Ngāti Hāua are currently in the process of preparing evidence for a claim under the Marine and Coastal Area (Takutai Moana) Act 2011. Ngā iwi o Taranaki and the wider community are also approaching the final steps for Te Ruruku Pūtakerongo, which the legal personhood of Te Kāhui Tupua is provided for and ensures the hard-earned lessons of our history are not repeated. The active application of Ngā Pou Whakatupua does not stop at the boundary of Te Papakura-o-Taranaki, the Pou should be applied ki uta, ki tai.
7. Given the scarcity of whenua Māori in Ngāti Hāua Hapū takiwā, this context is considered relevant to ensure Ngāti Hāua Hapū are able to utilise whenua which accords with our aspirations, past, present and future. To be empowered to use whenua in an unencumbered way which meets our aspirations. One of those aspirations includes the opportunity for Ngāti Hāua uri to return to their whenua, including through Papakāinga. Papakāinga would be comprehensive development that provides for those aspirations and other statutory matters such as Te Mana o te Wai. Papakāinga are one of the strategic pou/ aspirations in our Ngāti Hāua Hapū Strategic Plan.
8. The reduced provision of financial contribution requirements for papakāinga was requested through our submission to the South Taranaki District Council Draft Long Term Plan 2024 – 2034 ('LTP'). This further supports our request to use and develop our whenua in an empowering, unencumbered way.
9. Ngāti Hāua acknowledge and appreciate the mahi of Te Korowai o Ngāruahine and our whanaunga iwi post settlement governance entities ('PSGEs') who participated in the [Ngā Kaitiaki Roopū](#). It must be noted that Ngāti Hāua Hapū, as mana whenua in our takiwā, were not engaged by STDC in the development of the provisions of Proposed Plan Change 3: Papakāinga Development. In our opinion, PSGEs are not tangata whenua as suggested in section 3.1 of the Section 32 report.
10. Representatives of Ngāti Hāua Hapū were involved in the development of the Ngāruahine Kaitiaki Plan 2021, '*Te Uru Taiao o Ngāruahine*'. We support the provisions in relation to papakāinga in Ngāruahine.
11. We received no direct notification of Proposed Plan Change 3 or notification during the re-notification, though it will directly affect us. Due to the muru me te raupatu, Ngāti Hāua are not landowners and we did not receive a rates notice. There may be other mana whenua groups who do not own land and did not receive a rates notice. In the interests of partnership and Te Tiriti, as well as section 35A of the Resource Management Act ('RMA'), Ngāti Hāua Hapū expected notification. This lack of notification to Ngāti Hāua Hapū is inconsistent with the Te Korowai o Ngāruahine iwi management plan *Te Uru Taiao o Ngāruahine*.

12. The submissions of Ngāti Hāua to the provisions of Proposed Plan Change 3: Papakāinga Development are included in Table 1.
13. Though in principle Ngāti Hāua Hapū support Papakāinga provisions in the STDC District Plan being strengthened, Ngāti Hāua Hapū oppose Proposed Plan Change 3 in the absence of a clear and robust, efficient and effective objectives, policies and rule framework in relation to Papakāinga. Ngāti Hāua Hapū seek the amendments as described in Table 1 to Proposed Plan Change 3.
14. Ngāti Hāua Hapū could not gain an advantage in trade competition through this submission.
15. Ngāti Hāua Hapū is affected by an effect of the subject matter of this submission that; adversely effects the environment; and does not relate to trade competition or the effects of trade competition.
16. Ngāti Hāua do recommend an independent hearing commissioner who is experienced in kaupapa Māori and tangata whenua resource management issues should hear Plan Change 3. This could be done alongside representatives of the Council's Environment and Hearings Committee. We understand this is provided for in the provisions of the Resource Management Act 1991. Ngāti Hāua consider this will set the scene for the full review of the District Plan.
17. Ngāti Hāua Hapū are willing to participate in any pre-hearing/s and other kōrero for Plan Change 3.
18. Ngāti Hāua Hapū wishes to be heard in support of our submission.
19. Ngāti Hāua Hapū will consider presenting a joint case with others who have made similar submissions.
20. If you have any pātai, please contact the undersigned at the following:
Electronic address for service: secretary@ngatihaua.nz; chairperson@ngatihaua.nz
Postal Address: 6 Kapuni Street, Manaia
Contact person: Karl Adamson, Ngāti Hāua Hapū Chairperson
21. Thank you for the opportunity to provide this submission. We look forward to confirmation of receipt of submission at your earliest convenience and next steps for notification of the Plan Change for further submissions.

Noho ora mai,



Karl Adamson
Ngāti Hāua Hapū Chairperson

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Notification process	Oppose	<p>Ngāti Hāua understand that notification of Plan Change 3 occurred through delivery of rates notices. As described in the introduction, Ngāti Hāua Hapū do not own or hold whenua, therefore we do not receive rates notices and did not receive notification of the Plan Change.</p> <p>Section 35A of the RMA requires Council to keep up to date records, including contact details, for hapū and iwi. This is a Council responsibility and would ensure appropriate notification to hapū, iwi and marae.</p> <p>Whilst Te Korowai o Ngāruahine may have received notification of the Plan Change, this is a Council process, prescribed by the RMA and therefore it is not the responsibility of the PSGE to advise hapū, marae and uri of a Plan Change which will most definitely have an effect.</p> <p>The Section 32 report also suggests consultation has occurred with tangata whenua in the development of Plan Change 3. Ngāti Hāua, as tangata whenua in and over our</p>	<p>Ensure that further submission notification processes to iwi, hapū, marae, Māori and Post-Settlement Governance Entities is completed.</p> <p>As per the Ngāti Hāua submission to the STDC Draft LTP 2024 – 2034, we invite STDC to Ngāti Hāua to better understand our aspirations for our hapū, whānau and uri, as well as our takiwā and environment.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		takiwā, have not been engaged to inform the plan change.	
Plan Change 3: Papakāinga Development title	Support in part	<p>Ngāti Hāua consider Papakāinga are not ‘development’ – Papakāinga are a way of life, the use of whenua Māori for tangata whenua – not development in the Western sense of use of land.</p> <p>Papakāinga are also not limited to ‘housing’ as detailed in the Papakāinga definition.</p>	<p>Deletion of the word ‘development’ in the title of Plan Change 3 and throughout the provisions when referencing PAKĀINGA.</p> <p>Deletion of the word ‘housing’ where it follows Papakāinga throughout the chapters and provisions. There are instances in the provisions where only ‘papakāinga’ is utilised.</p>
Section 1: Introduction	Support in part	The introduction provides useful context for the purpose and statutory requirements for the District Plan. It identifies the relationship of the District Plan with other key documents. The introduction also provides the Council waiata with no context for the waiata or its meaning. It would be appropriate in this section to describe tangata whenua in the rohe to provide context to the plan user, rather than providing as part of the objectives and policies.	Provide section describing tangata whenua in the Taranaki ki te Tonga rohe. This could include iwi, hapū and marae, as well as PSGEs.
Definitions – ANCESTRAL LAND	Oppose	Ngāti Hāua understand there are large amounts of case law regarding	Clarity is sought in regard to the necessity of the definition of

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>ANCESTRAL LAND in Aotearoa. 'Ownership' has the potential to undermine, diminish and narrow the relationship Māori have with our ancestral lands, particularly the application of sections 6(e), 7(a) and 8 of the RMA.</p> <p>The justification for the need for the definition is unclear. It does not appear to add any value and is not required to interpret the objectives and policies and/ or the rule framework.</p> <p>Further to this, consistent te reo Māori should be utilised throughout the Plan.</p> <p>It is difficult when using the Plan to understand what words are defined in the Definitions chapter.</p>	<p>ANCESTRAL LAND. Ngāti Hāua do not consider the definition is required and should be deleted. If required, the definition must be empowering for tangata whenua and our relationship with our ancestral lands and alternative wording is sought.</p> <p>Consistent use of te reo Māori throughout the District Plan including the definition of ANCESTRAL LAND.</p> <p>Ensure words and terms throughout the Plan are easily identified as being defined in the Definitions section. Ngāti Hāua suggest the use of defined words as underlined, bolded or italics to clearly set out which words are defined and which are not.</p>
<p>Definitions – GENERAL TITLE LAND (IN RELATION TO PAPAĀINGA DEVELOPMENT)</p>	<p>Oppose</p>	<p>The proposed addition of this definition to the Plan creates unnecessary complexities, in addition to confusion. It is unclear if the definition is identifying both General land owned by Māori and General land. The definition does a lot of 'heavy lifting' and could create</p>	<p>Delete definition and amend rule framework.</p> <p>Propose a new definition encompassing the relationship that hapū, iwi, marae, whānau and uri, as well as PSGEs, have with their ancestral lands.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>confusion referencing land tenure through the Plan.</p> <p>Ngāti Hāua Hapū, as the result of muru me te raupatu, do not 'own' whenua. We are concerned that should we reacquire whenua in the future, which is likely to be within the Rural Zone given the location of our takiwā, there is the risk we would not be able to use whenua for Papakāinga due to the rule framework not permitting Papakāinga on General Land (see further explanation at Definitions – Papakāinga Development).</p> <p>General land is defined under section 129 (2) (d) of Te Ture Whenua Māori Act 1993 as <i>'land (other than Maori freehold land and General land owned by Maori) that has been alienated from the Crown for a subsisting estate in fee simple shall have the status of General land'</i>.</p> <p>General land owned by Māori is defined under section 129 (2) (c) of Te Ture Whenua Māori Act 1993 as <i>'land (other than Maori freehold land) that has been alienated from</i></p>	<p>Alternatively, amend definition to avoid confusion.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p><i>the Crown for a subsisting estate in fee simple shall, while that estate is beneficially owned by a Maori or by a group of persons of whom a majority are Maori, have the status of General land owned by Maori'.</i></p> <p>Whilst Ngāti Hāua understand the Council's intention is to empower tangata whenua to provide papakāinga and restrict developers being able to utilise the papakāinga provisions for their own gain, the wording will have unintended consequences for Ngāti Hāua Hapū and whānau Māori.</p> <p>Any definition must recognise and provide for the relationship of Ngāti Hāua and our culture and traditions, including papakāinga. The definition could explicitly provide that type of relationship specifically identifying land which is inclusive and land which is exclusive. Auckland Council's Plan definition of Treaty Settlement land and New Plymouth District Council's Development Contribution Policy definition of Maori Land are useful examples which provide inclusions and exclusions.</p>	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Definitions – MARAE	Support in Part	<p>Ngāti Hāua Hapū have two marae within our takiwā – Tawhitinui on South Road, State Highway 45 and Okare-ki-Uta on Taikātu Road. Both marae are located in the Rural Zone and, at the time of this submission, are both currently under re-development. Both marae provide for diverse activities and uses. We understand that marae based papakāinga would be a permitted activity under rule 3.1.1.</p> <p>We are not entirely sure of the purpose of Schedule 7: Marae. There are errors in this in relation to our two marae and should be corrected.</p> <p>We support the addition of ‘urupā’ to the definition; however, it should be noted that urupā may not always be associated directly with marae i.e. not on the same whenua.</p> <p>For consistency within the Plan we recommend the addition of ‘reo’ to kohanga, to read ‘kohanga reo’ (see the Childcare Facility definition).</p> <p>Ngāti Hāua Hapū submit the definition of MARAE should be in te</p>	<p>Amend the wording of the definition of MARAE.</p> <p>Correction of errors in relation to Schedule 7.</p> <p>Provide the definition of MARAE in te reo Māori.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>reo Māori given marae are features of Te Ao Māori. This is consistent the Ngāti Hāua Hapū reo Māori strategy '<i>Whakatipuria hei kauwae parāoa</i>', section 6(e) of the RMA and <i>Te Uru Taiao o Ngāruahine</i>.</p>	
<p>Definitions – PAKĀINGA DEVELOPMENT</p>	<p>Oppose</p>	<p>Papakāinga enable us, Māori, to live together on our whenua – a shared whakapapa – ko te whenua ko au, ko au ko te whenua. The infrastructure of papakāinga and their activities integrate with one another as do those whānau who live there, in a sustainable and self-sufficient manner. Papakāinga, developed comprehensively and in a sustainable manner, enable whānau, hapū and/ or iwi to use the whenua in a way that they can live their aspirations, they can be Māori. It is where Māori are able to maintain, encourage and enhance relationships, tikanga, culture and traditions.</p> <p>Ngāti Hāua Hapū are concerned that describing the types of activities and uses within the definition could limit how papakāinga are built and lived. The atrocities of the muru me te raupatu means 'traditional'</p>	<p>Amend the definition of PAKĀINGA DEVELOPMENT, ensuring Papakāinga, are comprehensive developments and use of whenua, can be undertaken on whenua and in the takiwā where Ngāti Hāua have a relationship.</p> <p>Amend the PAKĀINGA definition to remove reference to land tenure.</p> <p>Propose a new definition encompassing the relationship that Ngāti Hāua and our uri, have with our ancestral lands. For the purposes of providing clarity in this submission, the definition could for example be described as Whenua Māori.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>papakāinga may not be how we choose to live on the whenua.</p> <p>Ngāti Hāua are opposed to the reference to land tenure in the definition. In our opinion, the definition as worded is having to do a lot of unnecessary 'heavy lifting' on its own, particularly in the absence of a specific Special Purpose Māori Purpose Zone.</p> <p>Māori land is, unfortunately, complex in nature often with multiple owners. Whenua Māori is a scarce resource as a direct result of the atrocities of the muru me te raupatu.</p> <p>Ngāti Hāua continue to feel the effects of muru me te raupatu and colonisation. Ngāti Hāua Hapū currently 'owns' no whenua, whenua which is our ancestral lands.</p> <p>We are currently working alongside Te Korowai o Ngāruahine to have DSP whenua under the Deed of Settlement returned. We understand this whenua is to be</p>	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>returned as General Title Land owned by Māori.</p> <p>Providing for the development of Papakāinga with no barriers goes some way to addressing the direct and on-going impacts of muru me te raupatu. Muru me te raupatu, a process which the Crown, including the Council, have long benefited from. The Papakāinga provisions will go some way to providing for Ngāti Hāua and our uri and their whānau to achieve our aspirations in the most efficient and effective manner (in the absence of an enabling Special Purpose Zone).</p> <p>The Plan must acknowledge Māori land, including land returned through settlement, as being a scarce resource. We must be empowered to use our whenua in the least encumbered way possible, in line with our aspirations, irrelevant of underlying tenure. The Plan must acknowledge Papakāinga will be Māori – we will not be forced to look, feel and operate like every other ‘development’.</p>	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>'Papakāinga' is a strategic pou and aspiration for Ngāti Hāua Hapū. Should we propose papakāinga on general title land, we do not consider we should be unnecessarily restricted by the underlying tenure.</p> <p>We therefore recommend the removal of reference to land tenure in the PAKAKĀINGA. As described above we recommend the addition of a new definition that enables the relationship of Ngāti Hāua with our ancestral lands to be recognised and provided for through Papakāinga, in the absence of a Special Purpose Zone. Ngāti Hāua consider this is consistent with the the Ngā Kaitiaki Roopū advice to STDC.</p> <p>Ngāti Hāua Hapū submit the PAKAKĀINGA definition should be provided in te reo Māori given papakāinga are features of Te Ao Māori. This is consistent the Ngāti Hāua Hapū reo Māori strategy '<i>Whakatipuria hei kauwae parāoa</i>', section 6(e) of the RMA and <i>Te Uru Taiao o Ngāruahine</i>.</p>	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
Definitions – PAKAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND	Oppose	<p>The proposed addition of this definition to the Plan creates unnecessary complexities, in addition to confusion. It is unclear if the definition is identifying both General land owned by Māori and General land.</p> <p>It is considered more appropriate that what is being sought under the definition is managed through the rule framework wording. This is consistent with the alternative wording sought through the definition of PAKAKĀINGA DEVELOPMENT.</p> <p>Whilst Ngāti Hāua understand the Council’s intention is to empower tangata whenua to provide papakāinga and restrict developers being able to utilise the papakāinga provisions for their own gain, the wording will have unintended consequences for Ngāti Hāua Hapū and whānau Māori.</p>	Delete definition of PAKAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND.
Section 2.1 Rural Zone Cross Referencing Table	Support in Part	The takiwā of Ngāti Hāua Hapū is located entirely within the Rural Zone. Our two marae, Tawhitinui and Okare-ki-Uta, are therefore located in the Rural Zone.	Amend the wording of section 2.1, including addition or amendments to objectives and policies.

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>Section 2.1 land use activities and explanation of policies makes no reference to ancestral land, tangata whenua, the scarcity of Māori land as a resource, the muru me te raupatu, marae (including Schedule 7), other uses of whenua Māori by tangata whenua, hapū, iwi and Māori and the landscape from a tangata whenua perspective, including Taranaki Maunga and Te Papa-Kura-o-Taranaki. Amendments may also be required for sections 2.2, 2.3, 2.4 and 2.5.</p> <p>In the absence of any of these references, the objectives and policies in Section 2.1 and the explanation of the Zone and the policies are flawed and a complete understanding of the Zone and the environment is not provided for.</p> <p>Ngāti Hāua consider reference to those matters described above are required to ensure Plan users undertake use and development of the area in a way that they understand the environment they live, work and play in, including that papakāinga have, do and will exist in</p>	<p>Consequential amendments may be required for sections 2.2 – 2.5 and the relevant sections of the cross referencing table.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>the area. Description of these matters, uses and features are required to recognise and provide for the relationship of Ngāti Hāua with our ancestral lands and our activities including papakāinga.</p> <p>This will also ensure alignment with the tangata whenua objectives and policies which Ngāti Hāua understand will be given more weight in the assessment of the rules in the rule framework. Those objectives and policies will be given more weight than the Zone objective and policies. This change may also require consequential changes in the Cross-Referencing Table.</p>	
<p>Section 2.7 – Tangata Whenua</p> <p>Issues 2.7.1 – 2.7.5</p>	<p>Support in part</p>	<p>Ngāti Hāua consider this section of the Plan does a lot of heavy lifting as the seen is not set for the Plan user in Section 1 (as described above).</p> <p>The atrocities of colonisation and muru me te raupatu continue to impact Ngāti Hāua. The scarce nature of whenua Māori and our ability to provide for our hapū and uri is a resource management issue for Ngāti Hāua.</p>	<p>Amend the section 2.7 resource management issues of significance to tangata whenua.</p> <p>The commentary following the issues to be amended as a result of consequential amendments to definitions and the rule framework as proposed through this submission.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>It is concerning that STDC and the Plan considers that ‘development’ for hapū and iwi is limited to ‘<i>marae and papakāinga</i>’ (Issue 2.7.5). Our environmental well-being is also important to us. In the absence of a Zone which would enable us to be entirely Māori, tangata whenua ‘issues’ not to be limited to only marae and papakāinga.</p>	
<p>Section 2.7 – Tangata Whenua</p> <p>Objectives 2.7.6 – 2.7.11</p> <p>Policies 2.7.12 – 2.7.21</p>	<p>Oppose</p>	<p>As described above, the atrocities of colonisation and muru me te raupatu continue to impact Ngāti Hāua. The scarce nature of whenua Māori and our ability to provide for our hapū and uri is a resource management issue for Ngāti Hāua.</p> <p>The objectives and policies must ensure Ngāti Hāua are empowered to utilise our whenua in a way that we wish to and must follow through in to the rule framework. The objectives must ensure our social, cultural, economic and environmental aspirations and wellbeing are recognised and provided for. To a large extent, the section 2.7 objectives and policies do appear to repeat the wording of</p>	<p>Amend and provide new wording for the section 2.7 objectives and policies to support the aspirations of Ngāti Hāua, including Objective 2.7.11 and policy 2.7.18.</p> <p>Consequential amendments required to explanation of policies to reflect changes sought to rule framework.</p> <p>Addition of proposed objective/s and policy/ies to ensure papakāinga supported across the Plan.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>the section 6 and 7 matters of the RMA. It is unclear if the proposed wording will provide for the aspirations of Ngāti Hāua.</p> <p>It is unclear what weighting is given to the objectives and policies in the assessment of a restricted discretionary activity. We are of the opinion that in terms of the development of papakāinga, the tangata whenua objectives would be given more weight than the underlying zone objectives and policies. Clarity is sought in this regard. Consequential amendments may also be required to the Rural Zone objectives and policies to ensure tangata whenua objectives and policies are given more weight.</p> <p>Clarity is sought in relation to the following wording:</p> <ul style="list-style-type: none"> • Objective 2.7.6 – clarity sought as to why '(including mauri)' has been included in the objective. • Objective 2.7.8 – should the objective include development and use of whenua. 	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<ul style="list-style-type: none"> • Policy 2.7.18 – Would require consequential amendments as a result of proposed rule framework amendments. • Policy 2.7.19 – Marae form part of the Rural Environment character and amenity. The scarce nature of whenua Māori should ensure residential, commercial and rural activities should not effect how we use and develop our whenua. • Policy 2.7.21 – it is unclear what ‘key sites’ means. <p>Consequential amendments required to the ‘Explanation of Policies’ to reflect proposed changes sought to rule framework.</p>	
<p>Section 3: Rural Zone Rules</p> <p>3.1.1 Permitted activities – (e) Marae</p>	<p>Support in Part</p>	<p>Ngāti Hāua Hapū support (e) Marae being a permitted activity in the Rural Zone. As described throughout this submission, currently our two marae are located within the Rural Zone. A diverse range of activities and uses are undertaken on our marae.</p>	<p>Proposed amendments, deletions and new definitions as described above. This will ensure consistency between definitions and that a definition does not consequentially result in the need for consent.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
<p>Section 3: Rural Zone Rules</p> <p>3.1.1 Permitted activities – (f) Papakainga development on land held under Te Ture Whenua Māori Act 1993</p>	<p>Oppose</p>	<p>In line with the proposed amendments sought to the definition of PAKAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which reflects the relationship of Ngāti Hāua and our ancestral land i.e. whenua Māori, whilst Ngāti Hāua support Papakainga being a permitted activity in the Rural Zone, where (types of whenua Māori) and how it is provided must be broadened to recognise and provide for the relationship of Ngāti Hāua and our ancestral lands.</p> <p>In the absence of a Special Purpose Māori Purpose Zone, to ensure Ngāti Hāua are able to utilise our whenua for papakainga to its full potential, Ngāti Hāua seek amendments to reduce all relevant performance standards including, though not limited to, removal of setback distance requirements from adjoining side and road boundaries to those currently existing in the Rural Zone – similarly to the Parihaka Cultural Area. Whenua</p>	<p>Retain Papakainga as a permitted activity in the Rural Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakainga can be developed as a permitted activity. For example, the activity could be described as '(f) PAKAKĀINGA on WHENUA MĀORI'.</p> <p>Amend relevant performance standards for Papakainga, including though not limited to, removal of setback distances from adjoining side and road boundaries in the Rural Zone.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		users in the area need to understand the importance of whenua Māori and its scarcity as a resource. This would further reduce the need for resource consent.	
<p>Section 3: Rural Zone Rules</p> <p>3.1.2 Controlled activities – (b) Papakainga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p>	Oppose	<p>Ngāti Hāua have proposed amendments to definitions including deletions and new definitions, in addition to amendments to performance standards for Papakainga; Ngāti Hāua also seek amendments to section 2.1, character description – all which would require consequential amendments to this rule.</p> <p>Ngāti Hāua Hapū and Ngāti Hāua uri must be empowered to develop our whenua how we want to and need to.</p> <p>The Rural Zone environment description must be updated to reflect Māori purpose activities, uses and development that Ngāti Hāua undertake in the zone, as well as the scarce nature of whenua Māori and the direct relationships with our ancestral lands as a result of the muru me te raupatu. This</p>	<p>Ngāti Hāua seek amendments to the rule framework as a result of amendments to definitions, deletion of definitions and addition of definitions, as well as amendments to section 2.1.</p> <p>The rule framework must ensure the relationship of Ngāti Hāua Hapū and Ngāti Hāua uri with our culture and traditions and our ancestral lands within our takiwā is recognised and provided for and not just enabled.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>ensures any consideration of character and amenity and the environment, including tangata whenua, is accurately articulated.</p> <p>In the absence of Ngāti Hāua Hapū and Ngāti Hāua uri being able to undertake development of papakāinga as a permitted activity as proposed, we would be supportive of the use of a controlled activity for papakāinga; however, consequential amendments required to rule framework and definitions, as described.</p>	
<p>Section 3: Rural Zone Rules</p> <p>3.1.3 Restricted Discretionary Activities – (o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2.</p> <p>3.1.3 Restricted Discretionary Activities – (p) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p>	<p>Oppose</p>	<p>Ngāti Hāua continues to feel the impacts of the muru me te raupatu, landlessness and the recognition of our ancestral lands. Treaty settlement land is returned as general title land owned by Māori.</p> <p>As described above, we oppose the use of land tenure and other definitions being specified in the rule framework, as this unnecessarily narrows our relationship with our ancestral lands.</p>	<p>Ngāti Hāua seek amendments to the Rural Zone rule framework for papakāinga, including matters of discretion, as a result of amendments to definitions, deletion of definitions and addition of definitions, as well as amendments to section 2.1 which accurately reflect the environment, including the tangata whenua aspects of the environment.</p> <p>The rule framework must ensure the relationship of Ngāti Hāua Hapū and Ngāti Hāua uri with our culture and traditions and our ancestral</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>However, we acknowledge that Māori across Aotearoa continue to be impacted by colonisation, racism and muru me te raupatu in their own rohe and displaced them. Some have sought to reside in Ngāti Hāua takiwā. Whilst we are not opposed in principle to whānau Māori not from Ngāti Hāua establishing papakāinga in our takiwā, we expect engagement to be had with Ngāti Hāua Hapū as tangata whenua of our ancestral lands. Therefore, a restricted discretionary activity status with appropriate matters of discretion would provide a pathway for those whānau.</p> <p>The Ngā Kaitiaki roopū who provided advice to the Council identified restricted discretionary activities as being a barrier to the development of papakāinga. The use of restricted discretionary activities being a barrier is also reflected in the Te Puni Kōkiri report <i>'Analysis of District Plan Papakāinga Rules'</i> (30 Paengawhāwhā 2024).</p> <p>The section 32 report suggests it is necessary that developments on general title land are restricted</p>	<p>lands within our takiwā is recognised and provided for.</p> <p>As an example, the rules could be 'PAPAKĀINGA not on WHENUA MĀORI'.</p> <p>The matters of discretion must ensure that the expert advice of Ngāti Hāua, as tangata whenua within our takiwā, is engaged and provided. This is consistent with the active decision making requirement described at section 2.7 and the tangata whenua objectives and policies.</p> <p>Amend the wording of the matters of discretion.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>discretionary activities to enable assessment against matters such as the National Policy Statement for Highly Productive Land ('NPS-HPL'). Ngāti Hāua are of the view that this prohibitive, strong wording of the NPS-HPL would inappropriately and unnecessarily restrict development of whenua for papakāinga in our takiwā, with much of the whenua in our takiwā being Classes 1 – 3.</p> <p>The matters of discretion must ensure that the expert advice of Ngāti Hāua is sought, as tangata whenua in our takiwā, not relying a note which suggests advice would be sought from iwi authorities (who are not tangata whenua) and only taken in to account. This minimises the expert nature of tangata whenua advice. In our opinion, the Council's iwi liaison officer is not qualified to make the final judgement in terms of acceptability of the development of papakāinga in our takiwā (as suggested in the section 32 report). Only tangata whenua are qualified in our rohe. Examples of this expert advice being required to be sought as a matter of discretion have been utilised in</p>	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>District Plans around the motu, such as New Plymouth’s Proposed District Plan.</p> <p>The matters of discretion suggest reverse sensitivity effects on existing rural operations must be considered. As proposed, the matters of discretion places more emphasis on the section 7 matters of the RMA, than section 6(e) of the RMA. Reference to objectives and policies could be made in matters of discretion to provide horizontal and vertical alignment through the Plan provisions.</p> <p>The Plan must ensure it describes that whenua Māori is a scarce resource as a result of on-going muru me te raupatu and colonisation. Existing activities have an impact on Ngāti Hāua are able to recognise and provide for our relationship and culture and traditions with our ancestral lands (in accordance with section 6(e) of the RMA), as well as fulfil our kaitiaki responsibilities (section 7(a) of the RMA). This will ensure an accurate reflection of the character</p>	

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>and amenity values are provided for.</p> <p>The section 32 report on a number of occasions suggests '<i>papakāinga may generate social changes that existing communities are not accustomed to</i>'. Clarity is sought in relation to this statement, our initial opinion is this unfairly prejudices Māori.</p>	
<p>Section 3: Rural Zone Performance Standards – Permitted Activities</p> <p>3.2 Performance Standards – Permitted Activities</p> <p>3.2.1 Number of dwellings (a) (v) Papakāinga is exempt from the above maximum number of dwellings units</p>	<p>Support</p>	<p>For Ngāti Hāua, papakāinga may vary in activities and uses, including dwelling and building numbers. Ngāti Hāua support performance standard 3.2.1 (a) (v).</p>	<p>Retain as proposed.</p>
<p>Section 3: Rural Zone Performance Standards – Permitted Activities</p> <p>3.2 Performance Standards – Permitted Activities</p> <p>3.2.2 Bulk and location (a) Height and location requirements</p>	<p>Oppose</p>	<p>As whenua Māori is a scarce resource and in most instances there are a number of owners of Māori land, to ensure the whenua is able to be utilised to provide for the relationship of Ngāti Hāua and our culture and traditions, we recommend removal of the bulk and location requirements for</p>	<p>Ngāti Hāua seek amendments to the bulk and location (a) height and location requirements for Papakāinga.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p>papakāinga. This is similar to the requirements for the Parihaka Cultural Area.</p>	
<p>Financial/ Development Contributions</p>	<p>Support</p>	<p>Ngāti Hāua made a submission to the STDC Draft Long-Term Plan 2024 – 2034 in relation to the removal for the requirement of financial/ development contributions for papakāinga and housing provision on whenua Māori.</p> <p>We stated in our submission that <i>'the Council's proposed Revenue and Financing Policy must go further to ensure tangata whenua are able to utilise our whenua in the least encumbered way possible and to support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993. Development contributions are another barrier for us in successfully utilising our ancestral lands in a way that meets our needs and aspirations. We recommend Papakāinga and housing developments on whenua Māori are exempt from development contributions and this be reflected in the</i></p>	<p>Remove the requirement for financial/ development contributions for papakāinga in the Plan through the rule framework.</p>

Section/ Sub-section/ Provision	Position	Submission	Relief sought
		<p><i>Proposed Revenue and Financing Policy. This also acknowledges the significant housing needs amongst our community'.</i></p> <p>Whilst we appreciate that submission was made under the Local Government Act requirements, we consider it appropriate that this is reflected in the Plan. Ngāti Hāua understand there are provisions under the Resource Management Act which enable this consideration.</p>	
Section 20: Resource Consent Information Requirements and Assessment Matters	Oppose	Ngāti Hāua are unclear how this section is utilised. We recommend amendments to ensure the engagement of the expert advice of tangata whenua to inform resource consent applications.	<p>Clarity sought in relation to how section is utilised.</p> <p>Consequential amendments sought to ensure the provision of expert advice of tangata whenua to inform resource consent applications.</p>

Table 1: Ngāti Hāua Hapū submission points

Submission on Plan Change 3 (PC3) to the Operative South Taranaki District Plan (District Plan) under Schedule 1 of the Resource Management Act 1991 (RMA).

Name of submitter: Petrus Johannes Franciscus Rodeka on behalf of Rodeka and Waikerepuru whānau.

I could not gain an advantage in trade competition through this submission.

I am not directly affected by an effect of the subject matter of the submission :

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effects of trade competition.

Specific provisions of the proposal that my submission relates to are:

- Update the operative Papakāinga Development provisions to better support Iwi aspirations for Papakāinga Development, including definitions, objectives and policies, and zone-based rule frameworks.
- Enable a pathway for Papakāinga Development on General Title Land.

My submission

The Waikerepuru whānau have whakapapa links to Taranaki whenua.

We support the two proposed plan changes.

We acknowledge that New Zealand remains in a housing crisis and that this plan change is a proactive step by South Taranaki District Council towards alleviating this crisis, especially for its Māori population.

We are presently engaged in a papakāinga development on Māori Land under the current District Plan, so write from experience of the process.

We wish to demonstrate one benefit that we think would accrue to whānau when papakāinga are developed on General Land.

Presently our New Zealand banking system requires security for loans on Māori Land to have houses built on pile foundations. The banks obviously view Māori Land as high risk and therefore require houses to be removed should loan defaults occur. Some would consider this punitive and draconian.

In our instance this has meant we cannot build houses with an attached garage on a concrete floor foundation. We are required to build a stand-alone garage, with all the extra expense and extra land space this requires. In terms of amenity value for a neighbourhood, houses with attached garages are surely preferable. These are also more likely to be using fewer building materials (less carbon expended) and help as a buffer against the elements for a warmer, drier living space. Interior access from a garage also accrues health benefits, especially for tamariki and kaumatua. Overall, the environment also benefits.

I seek the following decision from the local authority.

That the South Taranaki District Council adopt the proposed plan changes.

We would be looking forward to further changes in future District Plans to enable the development of papakāinga. Please refer to Section 6. Conclusion. Improving planning rules to enable papakāinga. Analysis of District Plan Papakāinga Rules, Te Puni Kokiri, New Zealand Government, 30 April 2024 p.27).

I do wish to be heard in support of my submission.

I will consider presenting a joint case with others presenting similar submissions.

Signature P.Rodeka

Date 29 May 2024

Electronic address for service of submitter is peter.rodeka.nz@gmail.com

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South Taranaki District Council
Private Bag 902
Te Hāwera 4640

BY EMAIL: planchange@stdc.govt.nz

Tēnā koe,

RE: SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3: PAKĀINGA DEVELOPMENT

This submission is prepared on behalf of Te Kāhui o Taranaki Trust (TKOTT) in relation Plan Change 3: Papakāinga Development

TKOTT, as the Post-Settlement Governance Entity (PSGE) for Taranaki Iwi, operates under the Taranaki Iwi Claims Settlement Act 2017, which delineates the boundaries of the Taranaki Iwi settlement area. Our primary function is to uphold and bolster the autonomy, independence, and self-governance of marae/pā and hapū, collectively referred to as Taranaki Iwi.

It is crucial to clarify that TKOTT does not possess authority over any hapū within the Taranaki Iwi area. Our role is one of support and facilitation, respecting the sovereign decision-making rights of each hapū in relation to the taiao, and their cultural and historical values.

This submission does not usurp or reduce the mana motuhake of each Marae/Pā/Hapū and as such they shall also provide their own submission.

Please see the below table regarding the amendments and feedback.

Nāku noa,

Ngawai Terry
Pou Taiao
Te Kāhui o Taranaki Trust

Te Kāhui o Taranaki Trust

The specific submissions and the decisions sought for Plan Change 3: Papakāinga Development are as follows:

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Definitions – ANCESTRAL LAND	Oppose	The Plan Change proposes to introduce a definition of Ancestral Land, however this is the only place within the plan where this term is used, and it is not clear what the role of this definition is in respect to the Plan Change.	Remove the definition of Ancestral Land
Definitions – GENERAL TITLE LAND	Support in Part	<p>The Plan Change introduces a definition for General Title Land as follows:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.</i></p> <p>This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership.</p>	<p>Amend the definition of General Title Land to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.</p> <p>Potential wording for the definition as follows:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not:</i></p> <ol style="list-style-type: none"> 1. <i>held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993; or</i> 2. <i><u>General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
			<p><i><u>immediately before the land ceased to be Māori Freehold Land; or</u></i></p> <p>3. <i><u>General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or</u></i></p> <p>4. <i><u>General land owned by a legally incorporated Hapū entity; or</u></i></p> <p>5. <i><u>General land owned by an Iwi Authority, settlement trust or subsidiary entity; or</u></i></p> <p>6. <i><u>Cultural redress properties; or</u></i></p> <p>7. <i><u>Commercial redress properties including:</u></i></p> <p style="padding-left: 20px;"><i><u>a. Properties returned via deferred selection.</u></i></p> <p style="padding-left: 20px;"><i><u>b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and</u></i></p> <p style="padding-left: 20px;"><i><u>c. Properties transferred to a company in which the claimant group holds a controlling interest.</u></i></p> <p>And any other consequential changes or amendments to the plan in accordance with this relief.</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Definitions – PAKAKĀINGA DEVELOPMENT	Support in Part	<p>Papakāinga Development is defined as follows:</p> <p><i>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993).</i></p> <p>This definition must be amended to provide for a range of other land tenures associated with mana whenua iwi, hapū or whānau entities within the District to develop Papakāinga within the scope of this definition.</p>	<p>Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.</p> <p>Potential amended wording as follows:</p> <p><i>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on:</i></p> <ol style="list-style-type: none"> <i>1. Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993); or</i> <i>2. <u>General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or</u></i> <i>3. <u>General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori</u></i>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
			<p><i>trust board, Marae committee or other similar legally incorporated Māori entity; or</i></p> <p>4. <i>General land owned by a legally incorporated Hapū entity; or</i></p> <p>5. <i>General land owned by an Iwi Authority, settlement trust or subsidiary entity; or</i></p> <p>6. <i>Cultural redress properties; or</i></p> <p>7. <i>Commercial redress properties including:</i></p> <p style="padding-left: 20px;"><i>a. Properties returned via deferred selection,</i></p> <p style="padding-left: 20px;"><i>b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and</i></p> <p style="padding-left: 20px;"><i>c. Properties transferred to a company in which the claimant group holds a controlling interest.</i></p> <p>And any other consequential changes or amendments to the plan in accordance with this relief.</p>
Definitions – PAPA KĀINGA DEVELOPMENT ON GENERAL TITLE LAND	Support	A new definition for Papakāinga Development on General Title Land is introduced as follows:	Retain the definition of Papakāinga Development on General Title.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		<p><i>PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.</i></p> <p>This is supported with the caveat that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau.</p>	
Rural Zone Rules – Rule 3.1.1(f)	Oppose	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		are able to be established as permitted activities.	
Rural Zone Rules – Rule 3.1.2(b)	Support in Part	<p>The Plan change introduces a new sub-rule that reads as follows:</p> <p><i>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <ul style="list-style-type: none"> <i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i> <i>(ii) Effects on character and amenity values.</i> <i>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</i> <i>(iv) Connection to services.</i> 	<p>Amend the rule as follows:</p> <p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p>Matters to which the Council restricts its control:</p> <ul style="list-style-type: none"> (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. (iv) Connection to services. (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		<p>(v) <i>In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
Residential Zone Rules – Rule 4.1.1(e)	Oppose	<p>The plan change proposes to amend the rule to read as follows:</p> <p><i><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></i></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

Section/Sub-section/Provision	Support/Support in Part/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Residential Zone Rules – Rule 4.1.2(a)	Support in Part	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p><i>(i) Site Layout.</i></p> <p><i>(ii) Scale and design of buildings.</i></p> <p><i>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</i></p>	<p>Amend the rule as follows:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>(vi) Site Layout.</p> <p>(vii) Scale and design of buildings.</p> <p>(viii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(ix) Location, function and amenity of on-site open space.</p> <p>(x) Access, extent of impervious surfaces and landscaping.</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		<p>(iv) Location, function and amenity of on-site open space.</p> <p>(v) Access, extent of impervious surfaces and landscaping.</p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	
<p>Township Zone Rules – Rule 5.1.1(e)</p>	<p>Oppose</p>	<p>The plan change proposes to amend the rule to read as follows:</p> <p><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p>Retain the operative plan rule which reads as follows:</p> <p><i>Papakāinga development</i></p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
Township Zone Rules – Rule 5.1.2(a)	Support in Part	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control:</i></p> <ul style="list-style-type: none"> <i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i> <i>(ii) Effects on character and amenity values.</i> <i>(iii) Connection to services.</i> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	<p>Amend the rule as follows:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.</p> <p>Matters to which the Council restricts its control:</p> <ul style="list-style-type: none"> (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services.
Commercial Zone Rules – Rule 6.1.1(xiv)	Oppose	The plan change proposes to amend the rule to read as follows:	Retain the operative plan rule which reads as follows:

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		<p><u>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</u></p> <p>The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.</p>	<p><u>Papakāinga development</u></p>
<p>Commercial Zone Rules – Rule 6.1.2(b)</p>	<p>Support in Part</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p><i>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p><i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving</i></p>	<p>Amend the rule as follows:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p> <p>(iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p>

Section/Sub-section/Provision	Support/Support in Part/Oppose	Submission <i>(Explain the reasons why you support/support in part/oppose the specific provisions or wish to have them amended.)</i>	Relief sought <i>(Give precise details of the decision you want the Council to make. To mark up changes to a provision strike through text you want to remove and underline text you want to add)</i>
		<p><i>from noncompliance with the particular performance standard(s) that is not met.</i></p> <p><i>(ii) Effects on character and amenity values.</i></p> <p><i>(iii) Connection to services.</i></p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	<p>(v) Effects on character and amenity values.</p> <p>(vi) Connection to services.</p>

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

Plan Change 3 -
Papakainga

Submitter Details

Submission Date: 14/07/2024**First name:** Ngahina **Last name:** Capper**Preferred method of contact** Email**Postal address:** 10 Upper Newall Road, RD 37**Suburb:** Newall**City:** New Plymouth**Country:** NZ**Postcode:** 4381**Email:** ngahinacapper@gmail.com**Daytime Phone:** 0273258799**Would you like to present your submission in person at a hearing?**

Yes



I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

Ability to use projector or television to share a slideshow if allowed when speaking to my submission.

Person of interest declaration: I am



(a) a person representing a relevant aspect of the public interest, or



(b) a person who has an interest in the proposal that is greater than the interest the general public has, or



(c) the local authority for the relevant area.

Explain the grounds for saying you come within category (a) or (b) above:

I come on behalf of my whānau in relation to our papakāinga at Te Tāmore which is situated near the Teikapārua Awa on Upper Newall Road. Our whānau have returned to our ancestral lands to reconnect, settle and raise our whānau. I recently completed my Masters in Māori and Indigenous Leadership. My topic of research was "The Revitalization and establishment of whānau papakāinga" which was in direct relation to the work that we are undertaking as a whānau at Te Tāmore which is within the South Taranaki District Council.

Note to person making further submission:

- A further submission can only support or oppose an original submission listed in the summary. It is not an opportunity to make a fresh submission on matters not raised in the submission.

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

- A copy of your further submission must be served on the original submitter within 5 working days of making the
- further submission to the Council

Consultation Document Submissions

Provision: SECTION 1 : INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS

Support

State the reasons for your view:

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.

I seek the following decision from the Council on this provision:

Support in part.

The Plan Change introduces a definition for General Title Land as follows: GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993. This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership.

Amend the definition of General Title Land to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Potential wording for the definition as follows: GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not: 1. held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.; or 2. General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or 3. General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or 4. General land owned by a legally incorporated Hapū entity; or 5. General land owned by an Iwi Authority, settlement trust or subsidiary entity; or 6. Cultural redress properties; or 7. Commercial redress properties including: a. Properties returned via deferred selection, b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and c. Properties transferred to a company in which the claimant group holds a controlling interest. And any other consequential changes or amendments to the plan in accordance with this relief.

Provision: SECTION 1 : INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS

Support

State the reasons for your view:

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.

I seek the following decision from the Council on this provision:

Support in part.

Papakāinga Development is defined as follows: PAKAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993). This definition must be amended to provide for a range of other land tenures associated with mana whenua iwi, hapū or whānau entities within the District to develop Papakāinga within the scope of this definition.

Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Potential amended wording as follows: PAKAKĀINGA DEVELOPMENT: means the integrated development of multiple

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on: 1. Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993); or 2. General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or 3. General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or 4. General land owned by a legally incorporated Hapū entity; or 5. General land owned by an Iwi Authority, settlement trust or subsidiary entity; or 6. Cultural redress properties; or 7. Commercial redress properties including: a. Properties returned via deferred selection, b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and c. Properties transferred to a company in which the claimant group holds a controlling interest. And any other consequential changes or amendments to the plan in accordance with this relief.

Provision: SECTION 1 : INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS

Support

State the reasons for your view:

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

A new definition for Papakāinga Development on General Title Land is introduced as follows:

PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori. This is supported with the caveat that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau.

Retain the definition of Papakāinga Development on General Title.

Provision: SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.2 CONTROLLED ACTIVITIES

Support

State the reasons for your view:

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

Support in kind.

The Plan change introduces a new subrule that reads as follows: (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. (iv) Connection to services. (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga. Amendments to the rule is required consistent with the changes to definitions outlined above.

Amend the rule as follows: (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its control: (i) Avoiding,

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. (iv) Connection to services. (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

Provision: SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.2 CONTROLLED ACTIVITIES**Support****State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

The Plan change proposes to add the following controlled activity: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9). Matters to which the Council restricts its control: (i) Site Layout. (ii) Scale and design of buildings. (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties. (iv) Location, function and amenity of on-site open space. (v) Access, extent of impervious surfaces and landscaping. Amendments to the rule is required consistent with the changes to definitions outlined above.

Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9). Matters to which the Council restricts its control: (vi) Site Layout. (vii) Scale and design of buildings. (viii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties. (ix) Location, function and amenity of onsite open space. (x) Access, extent of impervious surfaces and landscaping.

Provision: SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.2 CONTROLLED ACTIVITIES**Support****State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

Support in part.

The Plan change proposes to add the following controlled activity: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services. Amendments to the rule is required consistent with the changes to definitions outlined above.

Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

Provision: SECTION 6: COMMERCIAL ZONE RULES > 6.1 CATEGORIES OF ACTIVITIES > 6.1.2 CONTROLLED ACTIVITIES

Support**State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

Support in part.

The Plan change proposes to add the following controlled activity: (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services. Amendments to the rule is required consistent with the changes to definitions outlined above.

Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its control: (iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (v) Effects on character and amenity values. (vi) Connection to services.

Provision: SECTION 1 : INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS

Support**State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

The Plan Change proposes to introduce a definition of Ancestral Land, however this is the only place within the plan where this term is used, and it is not clear what the role of this definition is in respect to the Plan Change.

Remove the definition of Ancestral Land.

Provision: SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.1 PERMITTED ACTIVITIES

Support**State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.

Retain the operative plan rule which reads as follows: Papakāinga development

Provision: SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.1 PERMITTED ACTIVITIES**Support****State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.

Retain the operative plan rule which reads as follows: Papakāinga development

Provision: SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.1 PERMITTED ACTIVITIES**Support****State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.

Retain the operative plan rule which reads as follows: Papakāinga development

Provision: SECTION 6: COMMERCIAL ZONE RULES > 6.1 CATEGORIES OF ACTIVITIES > 6.1.1 PERMITTED ACTIVITIES**Support****State the reasons for your view:**

I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.

I seek the following decision from the Council on this provision:

Further Submissions on Plan Change 3 - Papakainga from Capper, Ngahina

The plan change proposes to amend the rule to read as follows:

Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.

Retain the operative plan rule which reads as follows: Papakāinga development

**PLAN CHANGE 3 PAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**
Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Office Use Only Further Submission Number:
Receipt Date:

Submissions can be:

Emailed to: planchange@stdc.govt.nz.

Posted to: South Taranaki District Council
Private Bag 4610
Hawera 4610

Delivered to: South Taranaki District Council
105-111 Albion Street
Hawera

Please note all sections of the following form need to be completed

Further Submitter Details:

Full name of Submitter:	Richard Buttimore, on behalf of
Organisation Name: <i>[if applicable]</i>	Parininihi ki Waitōtara Incorporation
Postal Address for Service	PKW Whare, 35 Leach Street, Ngāmotu, 4310
Telephone:	06 769 9373
Email:	Office@pkw.co.nz
Contact person: <i>[name and designation, if applicable]</i>	Richard Buttimore – Te Rau Whakahono Pito / GM Property

Interest in the Submission:

Only certain people can make further submissions. Please tick the option that applies to you:

- I am a person representing a relevant aspect of the public interest; or
- I am a person who has an interest in the Proposed Plan Change that is greater than the interest the general public has (for example, I am affected by the content of a submission); or
- I am the local authority for the relevant area.

The grounds for saying that I come within the selected category are:

Parininihi ki Waitōtara administers 17,250ha on behalf of 11,500 shareholders in the rohe of Te Kaunihera o Taranaki ki Te Tonga.

Request to be heard in support of Further Submission

I **wish** to be heard in support of my submission.

Yes No *[circle one]*

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Yes No *[circle one]*

.....
[Signature]
Signature of submitter
(or person authorised to sign
on behalf of submitter)

.....
18.07.2024
Date
(A signature is not required if you make your
submission by email or online)

Note: Please use second page to state the scope of your further submission

**PLAN CHANGE 3 PAPA KAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Scope of Further Submission

I support or oppose the submission of: (name & address of original submission)	The particular parts of the submission I support or oppose are (list one submission point per row, e.g. 4.23):	The reasons for my support or opposition are: (provide reasons for support or opposition)	I seek that the whole or part of the original submission be allowed or disallowed:
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.2 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support the submission in seeking the expansion of the definition of General Title Land.	Allowed
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.4 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure	Allowed
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.5 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure	Allowed
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.9 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.1 PERMITTED ACTIVITIES	Support the Submission broaden the whenua types in which Papakāinga can be undertaken on as a permitted activity.	Allowed
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.10 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.2 CONTROLLED ACTIVITIES	Support in part the Submission for Papakāinga as a controlled Activity status.	Allowed
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.15 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.1 PERMITTED ACTIVITIES	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure	Allowed
Te Aorangi Dillon for Te Korowai o Ngaruahine Trust	3.16 SECTION 4: RESIDENTIAL ZONE RULES > 4.1.2 CONTROLLED ACTIVITIES	Support in part the Submission for Papakāinga as a controlled Activity status.	Allowed

**PLAN CHANGE 3 SOUTH TARANAKI
PAPAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Te Korowai o Ngaruahine Trust	3.18 SECTION 4: RESIDENTIAL ZONE RULES > 4.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES > 4.2.1 Net Site Area	Support the submission for Papakāinga to be exempt from the net site area performance standards.	Allowed
Te Korowai o Ngaruahine Trust	3.20 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.1 PERMITTED ACTIVITIES	Support the Submission for Marae as a Permitted Activity status.	Allowed
Te Korowai o Ngaruahine Trust	3.21 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.1 PERMITTED ACTIVITIES	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure	Allowed
Te Korowai o Ngaruahine Trust	3.22 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.2 CONTROLLED ACTIVITIES	Support in part the Submission for Papakāinga as a controlled Activity status.	Allowed
Te Korowai o Ngaruahine Trust	3.24 SECTION 5: TOWNSHIP ZONE RULES > 5.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES	Support the Submission for Papakāinga to be exempt from the minimum number of dwelling unit performance standards.	Allowed
Kainga Ora	5.1 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Oppose in Part the submission to retain the definitions as notified. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for General Title Land (in relation to Papakāinga), Papakāinga Development and Papakāinga Development on General Title Land.	Allowed
Kainga Ora	5.2 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Oppose in Part the submission to retain the definitions as notified. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for General Title Land (in relation to Papakāinga), Papakāinga Development and Papakāinga Development on General Title Land.	Allowed
Kainga Ora	5.4 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support in Part the submission. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Allowed
Kainga Ora	5.5 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support in Part the submission. Parininihi ki Waitōtara seek inclusion within the wording to extend to other Māori ownership structures.	Allowed

**PLAN CHANGE 3 PAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Kainga Ora	5.7 SECTION 2: OBJECTIVES AND POLICIES > Section 2.7 Tangata Whenua > Objectives	Support in Part the submission. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Allowed
Kainga Ora	5.8 SECTION 2: OBJECTIVES AND POLICIES > Section 2.7 Tangata Whenua > Objectives	Support the submission. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Allowed
Kainga Ora	5.11 SECTION 2: OBJECTIVES AND POLICIES > Section 2.7 Tangata Whenua	Support in Part the submission. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Allowed
Kainga Ora	5.12 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken on as a permitted activity.	Allowed
Kainga Ora	5.13 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.2 CONTROLLED ACTIVITIES	Support in part the Submission for Papakāinga as a controlled Activity status and the removal of the reference to Te Ture Whenua Māori Act 1993.	Allowed
Kainga Ora	5.16 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types in which Papakāinga can be undertaken on as a permitted activity.	Allowed
Kainga Ora	5.17 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.2 CONTROLLED ACTIVITIES	Support in part the Submission for Papakāinga as a controlled Activity status.	Allowed
Kainga Ora	5.20 SECTION 4: RESIDENTIAL ZONE RULES > 4.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES > 4.2.1 Net Site Area	Support the submission for Papakāinga to be exempt from the net site area performance standards.	Allowed
Kainga Ora	5.21 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types in which Papakāinga can be undertaken on as a permitted activity.	Allowed
Kainga Ora	5.22 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.2 CONTROLLED ACTIVITIES	Support in part the Submission for Papakāinga as a controlled Activity status.	Allowed

**PLAN CHANGE 3 SOUTH TARANAKI
PAPAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Kainga Ora	5.25 SECTION 5: TOWNSHIP ZONE RULES > 5.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES > 5.2.1 Number of Dwelling Units and Minimum Site Area	Support the Submission for Papakainga to be exempt from the minimum number of dwelling unit performance standards.	Allowed
Ngā Mahanga Hapu	6.2 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support the submission in seeking the expansion of the definition of General Title Land.	Allowed
Ngā Mahanga Hapu	6.3 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support in Part the submission in seeking to broaden the definition of Papakainga to include other land tenure	Allowed
Ngā Mahanga Hapu	6.4 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support in Part the submission in seeking to broaden the definition of Papakainga to include other land tenure	Allowed
Ngā Mahanga Hapu	6.5 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakainga can be undertaken on as a permitted activity.	Allowed
Ngā Mahanga Hapu	6.6 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.2 CONTROLLED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakainga can be undertaken.	Allowed
Ngā Mahanga Hapu	6.7 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakainga can be undertaken.	Allowed
Ngā Mahanga Hapu	6.8 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.2 CONTROLLED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakainga can be undertaken.	Allowed
Ngā Mahanga Hapu	6.9 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakainga can be undertaken.	Allowed

**PLAN CHANGE 3 PAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Ngā Mahanga Hapu	6.10 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.2 CONTROLLED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Allowed
Ngāti Hāua Hapū	7.5 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support the submission in seeking to remove reference to land tenure.	Allowed
Ngāti Hāua Hapū	7.12 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.1 PERMITTED ACTIVITIES	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Allowed
Ngāti Hāua Hapū	7.15 SECTION 3: RURAL ZONE RULES	Support the Submission and performance standard 3.2.1 (a) (v) as drafted	Allowed
Te Kahui o Taranaki Trust	9.2 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support the submission in seeking the expansion of the definition of General Title Land.	Allowed
Te Kahui o Taranaki Trust	9.3 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support in Part the submission in seeking to broaden the definition of Papakāinga to include other land tenure	Allowed
Te Kahui o Taranaki Trust	9.4 SECTION 1: INTRODUCTION AND DEFINITIONS > 1.11 DEFINITIONS	Support in Part the submission in seeking to broaden the definition of Papakāinga to include other land tenure	Allowed
Te Kahui o Taranaki Trust	9.5 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.1 PERMITTED ACTIVITIES	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993	Allowed
Te Kahui o Taranaki Trust	9.6 SECTION 3: RURAL ZONE RULES > 3.1 CATEGORIES OF ACTIVITIES > 3.1.2 CONTROLLED ACTIVITIES	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993	Allowed
Te Kahui o Taranaki Trust	9.7 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.1 PERMITTED ACTIVITIES	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993	Allowed
Te Kahui o Taranaki Trust	9.8 SECTION 4: RESIDENTIAL ZONE RULES > 4.1 CATEGORIES OF ACTIVITIES > 4.1.2 CONTROLLED ACTIVITIES	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993	Allowed

**PLAN CHANGE 3 SOUTH TARANAKI
PAPAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Te Kahui o Taranaki Trust	9.9 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.1 PERMITTED ACTIVITIES	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993	Allowed
Te Kahui o Taranaki Trust	9.10 SECTION 5: TOWNSHIP ZONE RULES > 5.1 CATEGORIES OF ACTIVITIES > 5.1.2 CONTROLLED ACTIVITIES	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993	Allowed

Note: Continue on a separate sheet if necessary

Important notes to person making further submission:

A further submission must be limited to a matter in support of, or in opposition to, an original submission listed in the Council's Summary of Decisions Requested document. A further submission cannot introduce new matters that were not raised in original submissions.
A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.
Please note all information contained in a submission under the Resource Management Act 1991, including names and contact details, will be publicly available.

18 July 2024

South Taranaki District Council
Private Bag 902
Te Hāwera 4640

BY EMAIL: planchange@stdc.govt.nz

Attention: Mayor Phil Nixon and South Taranaki District Councillors

Tēnā koe Matua Phil koutou ko ngā kaikaunihera o Te Kaunihera o Taranaki ki te Tonga

NGĀTI HĀUA HAPŪ – FURTHER SUBMISSION TO SOUTH TARANAKI DISTRICT COUNCIL – PLAN CHANGE 3: PAKAKĀINGA DEVELOPMENT

1. Thank you for providing a copy of the public notice inviting further submissions on Plan Change 3: Papakāinga Development ('**Plan Change 3**') from Ngāti Hāua Hapū.
2. Ngāti Hāua Hapū made an original submission to Plan Change 3. Ngāti Hāua Hapū has an interest in the proposal that is greater than the interest of the general public, particularly within our rohe, as described within our original submission. Our further submissions are described in completed Form 6, attached.
3. As described in our original submission, we wish to be heard in support of our submissions and would consider presenting a joint case at the hearing with others who make a similar submission. We welcome South Taranaki District Council kaimahi to hui with Ngāti Hāua Hapū.
4. If you have any pātai, please contact the undersigned at the following:
Electronic address for service: secretary@ngatihaua.nz; chairperson@ngatihaua.nz (email preferred)
Postal address: 6 Kapuni Street, Manaia
Contact person: Karl Adamson, Ngāti Hāua Hapū Chairperson
5. Thank you for the opportunity to provide this submission. We look forward to confirmation of receipt of further submission at your earliest convenience and next steps in this plan change process.

Noho ora mai,



Karl Adamson
Ngāti Hāua Hapū Chairperson

**PLAN CHANGE 3 PAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**
Form 6, Clause 8 of First Schedule, Resource Management Act 1991



Office Use Only Further Submission Number:
Receipt Date:

Submissions can be:

Emailed to: planchange@stdc.govt.nz.

Posted to: South Taranaki District Council
Private Bag 4610
Hawera 4610

Delivered to: South Taranaki District Council
105-111 Albion Street
Hawera

****Please note all sections of the following form need to be completed****

Further Submitter Details:

Full name of Submitter:	Ngāti Hāua Hapū
Organisation Name: <i>[if applicable]</i>	
Postal Address for Service	6 Kapuni Street, Manaia
Telephone:	0273897806 (Secretary) 021529096 (Chairperson)
Email:	secretary@ngatihaua.nz ; chairperson@ngatihaua.nz
Contact person: <i>[name and designation, if applicable]</i>	Karl Adamson, Ngāti Hāua Hapū Chairperson

Interest in the Submission:

Only certain people can make further submissions. Please tick the option that applies to you:

- I am a person representing a relevant aspect of the public interest; or
- I am a person who has an interest in the Proposed Plan Change that is greater than the interest the general public has (for example, I am affected by the content of a submission); or
- I am the local authority for the relevant area.

The grounds for saying that I come within the selected category are:

Ngāti Hāua Hapū are mana whenua in our rohe which extends seaward from the mouth of the Otakeho Stream following inland to Taranaki Maunga, then turning and following the western side of the Rāoa Stream back to seaward, Hawaiiikinoi, Hawaiiikiroa, Hawaiiikipāmamao. Our whanaungatanga rohe extends from the eastern side of the Kaupokonui River of Ngāti Tū Hapū to the western side of the Wahamoko Stream of Ngāti Tamaahuroa-Titahi Hapū. South Taranaki District Council is the local authority within our rohe.

Request to be heard in support of Further Submission

I **wish** to be heard in support of my submission.

Yes No *[circle one]*

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Yes No *[circle one]*

.....

Signature of submitter
(or person authorised to sign
on behalf of submitter)

Note: Please use second page to state the scope of your further submission

**PROPOSED SOUTH TARANAKI DISTRICT PLAN
FURTHER SUBMISSION FORM**
Form 6, Clause 8 of First Schedule, Resource Management Act 1991



18.7.2024

.....
Date

(A signature is not required if you make your submission by email or online)



**PLAN CHANGE 3 SOUTH TARANAKI
PAPAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

Scope of Further Submission

I support or oppose the submission of: <i>(name & address of original submission)</i>	The particular parts of the submission I support or oppose are <i>(list one submission point per row, e.g. 4.23)</i> :	The reasons for my support or opposition are: <i>(provide reasons for support or opposition)</i>	I seek that the whole or part of the original submission be allowed or disallowed:
Parininihi ki Waitotara (submitter no. 2)	2.1	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū to extend the definition of General Title Land and the types of whenua on which papakāinga can be developed.	Allow the submission subject to further engagement with Ngāti Hāua Hapū.
	2.2	Oppose – Support the broadening of the definition; however, does not align with the original submission of Ngāti Hāua Hapū to extend the definition of Papakāinga Development and the types of whenua on which papakāinga can be developed.	Disallow the submission.
	2.3	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Disallow the submission.
	2.4	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū; however, does not align with the submitter's policy and objective changes sought.	Allow the submission in part subject to further engagement with Ngāti Hāua Hapū.
	2.7	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Disallow the submission.

7



PLAN CHANGE 3 PAKAINGA DEVELOPMENT FURTHER SUBMISSION FORM

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

I support or oppose the submission of: (name & address of original submission)	The particular parts of the submission I support or oppose are (list one submission point per row, e.g. 4.23):	The reasons for my support or opposition are: (provide reasons for support or opposition)	I seek that the whole or part of the original submission be allowed or disallowed:
	2.10	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū; however, does not align with the submitters policy and objective changes sought.	Allow the submission in part subject to further engagement with Ngāti Hāua Hapū.
	2.13 – 2.15	Oppose – Ngāti Hāua are concerned the policy wording proposed does not align with the rule wording sought.	Disallow the submissions.
Te Korowai o Ngāruahine Trust (submitter no. 3)	3.1 – 3.13	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Allow the submissions.
	3.35	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū in relation to financial/ development contributions for papakāinga and the Ngāti Hāua Hapū submission to the STDC draft Long Term Plan 2024 - 2034.	Allow the submission.
Health NZ National Public Health Service Te Manawa Tiaki – for Health New Zealand/ Te Whatu Ora (submitter no. 4)	4.1	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.
	4.2	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.
	4.3	Support in part – Ngāti Hāua made similar submissions, particularly in relation to notification of the plan change. It is not clear if a communications plan is the appropriate tool to enable whānau, hapū, iwi and marae.	Allow the submission in part, subject to further kōrero with Ngāti Hāua Hapū about the tools and wording in Section 20.



PLAN CHANGE 3 SOUTH TARANAKI PAPAKAINGA DEVELOPMENT FURTHER SUBMISSION FORM

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

I support or oppose the submission of: (name & address of original submission)	The particular parts of the submission I support or oppose are (list one submission point per row, e.g. 4.23):	The reasons for my support or opposition are: (provide reasons for support or opposition)	I seek that the whole or part of the original submission be allowed or disallowed:
	4.4	Support – Ngāti Hāua support the general comments regarding enabling provisions for papakāinga.	Allow the submission.
Kāinga Ora – Homes and Communities	5.1	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Disallow the submission.
	5.2	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Disallow the submission.
	5.3	Support in part – Support the broadening of the definition as sought by Ngāti Hāua Hapū; however, unsure what jurisdiction Kāinga Ora have to make submissions on what 'marae' are.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
	5.4	Support in part – Support the broadening of the definition as sought by Ngāti Hāua Hapū; however, Ngāti Hāua Hapū consider the definition proposed is not broad enough consistent with our submission.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
	5.5	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.
	5.6 – 5.8	Support in part – Support the broadening of the objectives and policies wording; however, no wording provided.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.



PLAN CHANGE 3 PAKAINGA DEVELOPMENT FURTHER SUBMISSION FORM

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

I support or oppose the submission of: (name & address of original submission)	The particular parts of the submission I support or oppose are (list one submission point per row, e.g. 4.23):	The reasons for my support or opposition are: (provide reasons for support or opposition)	I seek that the whole or part of the original submission be allowed or disallowed:
	5.9	Support – The definition of ‘key sites’ is not provided for. Enabling papakāinga should not be limited to ‘key sites’.	Allow the submission subject to further kōrero and engagement with Ngāti Hāua Hapū.
	5.10	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū; however, should also make reference to engagement with tangata whenua in accordance with the Ngāti Hāua Hapū original submission.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
	5.11	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
	5.12	Oppose – Ngāti Hāua Hapū support the intention of the submission; however, given amendments sought to definitions by Ngāti Hāua, this is inconsistent with the original submission of Ngāti Hāua Hapū.	Disallow the submission.
	5.13	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
	5.14 and 5.15	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū. Must be a rule pathway for those who do not whakapapa to whenua and must engage the expert advice of tangata whenua.	Disallow the submissions.



**PLAN CHANGE 3 SOUTH TARANAKI
PAPAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

I support or oppose the submission of: (name & address of original submission)	The particular parts of the submission I support or oppose are (list one submission point per row, e.g. 4.23):	The reasons for my support or opposition are: (provide reasons for support or opposition)	I seek that the whole or part of the original submission be allowed or disallowed:
	5.30	Support in part – Ngāti Hāua Hapū agree maintenance of land title is a private matter; support in part given other submission points of Ngāti Hāua Hapū.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
Ngā Mahanga Hapū (submitter no. 6)	6.1	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.
	6.2	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.
	6.3	Support in part – Ngāti Hāua Hapū support the broadening of the definition; however, do consider the rule framework should do the heavy lifting in reference to land tenure, instead of the definitions.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
	6.4	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū in relation to this definition.	Disallow the submission.
	6.5 – 6.8	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.
Petrus Johannes Franciscus Rodeka (submitter no. 8)	8.1	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.



PLAN CHANGE 3 PAKAINGA DEVELOPMENT FURTHER SUBMISSION FORM

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

I support or oppose the submission of: <i>(name & address of original submission)</i>	The particular parts of the submission I support or oppose are <i>(list one submission point per row, e.g. 4.23)</i> :	The reasons for my support or opposition are: <i>(provide reasons for support or opposition)</i>	I seek that the whole or part of the original submission be allowed or disallowed:
	8.2	Support in part – Providing for papakāinga on general title land is supported; however, Ngāti Hāua Hapū original submissions seek these should be broader.	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.
Te Kāhui o Taranaki Trust	9.1	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Allow the submission.
	9.2	Support in part – Generally support the intent of the submission; however, Ngāti Hāua Hapū consider the definition title should be changed consistent with our original submissions.	Allow the submission in part, subject to further kōrero and engagement with Ngāti Hāua Hapū.
	9.3	Support in part – Generally support the intent of the submission; however, Ngāti Hāua Hapū consider the definition title should be changed consistent with our original submissions.	Allow the submission in part, subject to further kōrero and engagement with Ngāti Hāua Hapū.
	9.4	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū in relation to this definition.	Disallow the submission.
	9.5 and 9.6	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.

Note: Continue on a separate sheet if necessary

Important notes to person making further submission:



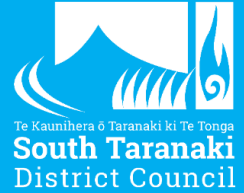
**PLAN CHANGE 3 SOUTH TARANAKI
PAPAKAINGA DEVELOPMENT
FURTHER SUBMISSION FORM**

Form 6, Clause 8 of First Schedule, Resource Management Act 1991

A further submission must be limited to a matter in support of, or in opposition to, an original submission listed in the Council's Summary of Decisions Requested document. A further submission cannot introduce new matters that were not raised in original submissions.

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

Please note all information contained in a submission under the Resource Management Act 1991, including names and contact details, will be publicly available.



Section 42A Report

Plan Change 3: Papakāinga Development

Contents

1	Executive Summary.....	3
2	Introduction.....	4
	2.1 Author and qualifications.....	4
	2.2 Code of Conduct.....	4
3	PC3 Background and Context.....	5
4	Scope/Purpose of Report	5
5	Statutory Requirements	8
	5.1 Statutory documents.....	8
	5.1.1 Resource Management Act	8
	5.1.2 Resource Management (Freshwater and Other Matters) Amendment Act.....	8
	5.2 National Policy Statements	9
	5.2.1 National Policy Statements Gazetted since Notification of PC3	9
	5.3 Regional Policy Statement for Taranaki	12
	5.4 Regional Plans	12
	5.5 Treaty Settlements.....	13
	5.5.1 Iwi Management Plans – Update	13
	5.6 Section 32AA evaluation	13
	5.7 Procedural Matters	14
	5.7.1 Pre-hearing engagement.....	14
	5.7.2 Clause 16 amendments	15
6	Consideration of submissions received	15
	6.1 Overview of submissions received.....	15
	6.2 Late Submission.....	16
	6.3 Officer Recommendations	17
	6.3.1 Key Issue 1: Ancestral land vs land owned by tāngata whenua.....	17
	6.3.2 Key Issue 2: Pathways for papakāinga on land not held under Te Ture Whenua Māori Act.....	22
	6.3.3 Key Issue 3: Bulk and location	31
	5.2.3 Key Issue 4: Other matters (not addressed elsewhere)	36
7	Conclusion	55

Appendix 1.1: Recommended Amendments to Introduction and Definitions

Appendix 1.2: Recommended Amendments to Objectives and Policies

Appendix 1.3: Recommended Amendments to Rural Zone Rules

Appendix 1.4: Recommended Amendments to Residential Zone Rules

Appendix 1.5: Recommended Amendments to Township Zone Rules

Appendix 1.6: Recommended Amendments to Commercial Zone Rules

Appendix 1.7: Recommended Amendments to Information Requirements and Assessment Matters

Appendix 2: Recommended Decisions on Submissions to Plan Change 3: Papakāinga Development

Appendix 3: Maps of Māori land and Treaty Settlement land in South Taranaki District

Appendix 4: Legal Opinion, Simpson Grierson, dated 2 September 2024

1 Executive Summary

1. Proposed Plan Change 3 (“PC3”) to the South Taranaki District Plan was publicly notified on 15 April 2024 (and re-notified 2 May 2024). Submissions closed 30 May 2024 and further submissions closed 18 July 2024. The purpose of PC3 is to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the environment.
2. A total of eight original submitters (with 131 individual submission points) and three further submitters (with 119 individual submission points) were received on PC3. Overall, 29 original submission points indicated general support for the provisions to be retained as notified, 50 submission points indicated support in part, with changes requested, whilst 51 submission points opposed the provisions and one did not say.
3. The submissions can be categorised into several key themes:
 - Key Theme 1: Ancestral land vs land owned by tāngata whenua
 - Key Theme 2: Pathways for papakāinga on land not held under Te Ture Whenua Māori Act
 - Key Theme 3: Bulk and location
 - Key Theme 4: Other matters (not addressed elsewhere)
4. This report has been prepared in accordance with Section 42A of the Resource Management Act (“RMA”) and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on PC3 and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
 - a) Amendments to several provisions, including definitions, objectives, policies and rules, to clarify the intent of the term ‘ancestral land’, reduce the potential for unintended consequences and achieve better integration and consistency between the provisions and the definitions (in relation to ancestral land).
 - b) Various amendments in Section 2.7 Tāngata Whenua, including:
 - (i) Changes to the wording of Objective 2.7.8 to refer to development “and use of whenua”.
 - (ii) Amendments to a paragraph in the Explanation of Policies to achieve better consistency between the provisions and definitions (in relation to ancestral land and papakāinga on general title land).
 - (iii) Additional wording in the explanation of the issues to reference how activities that provide for the economic, social and cultural wellbeing of

iwi and hapū can lead to “positive health outcomes” to expand on the context for Section 2.7 Issues, Objectives and Policies, and align better with Section 5(2) RMA.

- c) Deletion of the definition of ‘Papakāinga Development on General Title Land’ to simplify the framework.
- d) Amending the definition of ‘General Title Land (In Relation to Papakāinga Development)’ to clarify which land types are not considered general title land.
- e) Adding “home occupation” to the definition of ‘Papakāinga’.
- f) Consistent reference to “papakāinga” rather than “papakāinga development” or “papakāinga housing” throughout the District Plan.
- g) Amendments to assessment matter 20.5.5 for applications on general title land to clarify intent, achieve consistency between provisions and avoid future interpretation issues.

2 Introduction

2.1 Author and qualifications

- 6. My full name is Sarah Capper-Liddle, and I am a Planner at South Taranaki District Council.
- 7. I hold the qualifications of Bachelor of Resource and Environmental Planning with First Class Honours from Massey University. I am a graduate member of the New Zealand Planning Institute.
- 8. I have three years’ experience in planning and resource management including processing resource consent applications, notices of requirement, alterations and outline plans for designations, attending hearings, and completing amendments to the District Plan to update the Designations Schedule and remove the car parking requirements in accordance with the National Policy Statement on Urban Development 2020.

2.2 Code of Conduct

- 9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners (“Hearings Panel”).

3 PC3 Background and Context

11. The purpose of PC3 is to amend the Operative District Plan (ODP) provisions to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the environment.
12. The proposed provisions are summarised as follows:
 - a) Within the Rural, Residential, Township and Commercial Zone chapters:
 - Papakāinga development is a permitted activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are met.
 - Papakāinga development is a controlled activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are not met.
 - Papakāinga development on general title land is a restricted discretionary activity, with matters of discretion restricted to demonstrating the ancestral connection to the land, and long-term Māori ownership.
 - Papakāinga development failing to comply with permitted activity (e.g. bulk and location) performance standards is a restricted discretionary activity, subject to a number of matters of discretion.
 - b) New and reworded definitions relating to papakāinga development;
 - c) New and reworded objectives and policies within Section 2.7 Tāngata Whenua;
 - d) Changes to density (net site area) performance standards in the Residential and Township Zones, and maximum number of dwelling unit performance standard exemption introduced in Township Zone for papakāinga developments.

4 Scope/Purpose of Report

13. This report has been prepared in accordance with Section 42A of the Resource Management Act to:

- a) assist the Hearing Panel in making their decisions on the submissions and further submissions on the Proposed District Plan (PDP); and
 - b) provide submitters with an opportunity to see how their submissions have been evaluated, and the recommendations being made by officers, prior to the hearing.
14. This report responds to submissions on PC3: Papakāinga Development for the proposed changes in Sections 1, 2, 3-6 and 20 of the South Taranaki District Plan, and other general matters associated with papakāinga development.
 15. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
 16. Some points in submissions are outside the scope of PC3 in that they raise concern about matters beyond PC3 provisions.
 17. The submission points that are not within scope of PC3 are listed in Table 1 below and have not been evaluated in Section 6.2 of this Report:

Table 1: Submission points that are not within scope of Plan Change 3, or where scope is unclear

Submitter	Submission Point	Reasons the submission is not within scope of Plan Change 3
Te Korowai o Ngāruahine Trust and Ngāti Hāua Hapū	S3.35 S7.17	Submission seeks the deletion of the requirement for Financial/Development contributions for papakāinga in the District Plan. No changes to the financial contribution provisions have been considered as part of PC3. Given the risk that persons affected by the changes sought will not have an effective opportunity to respond if these submissions are considered in this plan change, I consider that these submissions are out of scope.
Kāinga Ora	S5.3	Submission seeks amendments to the Marae definition to provide for education, home based business and associated commercial activities. The only change made in the notified Marae definition was the addition of 'urupā' and additional macrons on appropriate terms. It is not clear whether the changes sought are within scope of PC3, and these types of changes could give rise to fairness issues because potentially affected parties have not had a reasonable opportunity to understand the change sought and provide comment. In any case, commercial and education activities are provided for separately in the District Plan. In the Definitions subsection of Key Issue 4: Other matters (not addressed elsewhere) below I recommend that home-based business is included within the definition of papakāinga, which in turn, means that home based business for papakāinga at Marae are included within the definition of marae (i.e. achieving the relief sought by the submitter in response to other submissions that are more clearly within scope).
Te Korowai o Ngāruahine Trust and Ngāti Hāua Hapū	S3.3 S7.4 and S7.11	Seeks amendment to the definition of 'marae' to be in te reo, to add 'reo' to kohanga, to read 'kohanga reo' and to amend Schedule 7 Marae to correct errors. It is not clear whether the changes sought are within scope of PC3 because PC3 did not propose amendments to the definition

Submitter	Submission Point	Reasons the submission is not within scope of Plan Change 3
		<p>of 'marae' except where the term 'urupā' was included. PC3 also did not propose amendments to Schedule 7 Marae of the District Plan.</p> <p>However, the corrections to Schedule 7 and correction to 'kohanga reo' within the definition of Marae will be made as Clause 16 RMA corrections separate to the Plan Change Schedule 1 process.</p>
Te Korowai o Ngāruahine Trust and Ngāti Hāua Hapū	S3.8, S3.14, S3.20, S3.26 and S7.11 S7.10	<p>Submissions are in support of permitted rules for marae across the zones (Rule 3.1.1(e), 4.1.1(d), 5.1.1(d) and 6.1.1(xiii)) and on Policy 2.7.19, noting that marae form part of rural environment character and amenity. No changes to Policy 2.7.19 or these rules for marae were proposed as part of PC3.</p>
Ngāti Hāua Hapū	S7.1	<p>Submission seeks the creation of a new section in the Introduction within Section 1 that outlines the tāngata whenua in South Taranaki, including iwi, hapū, marae and Post Settlement Government Entities (PSGE) to provide context to plan users. Though I understand the merits of this request, PC3 did not propose new sections for Section 1 beyond the changes to the cross referencing table and definitions. Issues of fairness could arise if content requested is added without providing the opportunity for other parties, particularly iwi, to comment through the Schedule 1 process. I consider this matter is more appropriately addressed through the District Plan review, and draft wording is provided to Nga Kaitiaki for feedback prior to notification.</p>
Kāinga Ora	S5.9	<p>The submission seeks that a definition of 'key sites' is included to assist with interpretation of Policy 2.7.21 that refers to 'key sites'. PC3 proposed amendments to the definition to add reference to "whānau" only. Though I agree that the term 'key sites' within the policy is unclear, I am hesitant to define the term as it could alter the intended meaning of the policy, which broadly applies to "development and a range of activities by iwi, hapū and whānau". In my view the deletion of the term "on key sites" from the policy, would be more appropriate than defining the term, though it is not clear whether this type of change is within the scope of PC3, nor is it clear that there is scope for this type of change in response to the submission by Kāinga Ora. I would be open to an amendment to respond to this submission if the panel finds it has scope to make this change. At this stage, I consider this matter would be more appropriately addressed as part of the full District Plan review or a future plan change, with input from Nga Kaitiaki in development of the provisions.</p>
Ngāti Hāua Hapū	S7.9 and S7.10	<p>Part of these submissions seeks clarity as to why '(including mauri)' has been included in Objective 2.7.6 and what 'key sites' means in Policy 2.7.21. I understand that the Section 2.7 Tāngata Whenua issues, objectives and methods that refer to mauri, were developed in collaboration with tāngata whenua during the development of the ODP. However, no change to Objective 2.7.6 was proposed as part of PC3 therefore the scope for any changes to this objective</p>

Submitter	Submission Point	Reasons the submission is not within scope of Plan Change 3
		in response to submissions is not clear. With reference to Policy 2.7.21 and the term 'key sites', see above comments in relation to Kāinga Ora's submission S5.9.

18. I note that a plan change on financial contributions is currently being prepared and expected to be notified by Council in 2025. The submitters will have the opportunity to make submissions on how and whether financial contributions apply to papakāinga developments as part of the Schedule 1 process on that plan change.

5 Statutory Requirements

5.1 Statutory documents

19. I note that section 3.0 Statutory and Policy Content within the PC3 (Papakāinga Development) Section 32 report provides detail of the relevant statutory considerations applicable to PC3.
20. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. I consider that the statutory and policy analysis in the Section 32 Report remains valid for the recommended amendments to the papakāinga development provisions for PC3. As such, I adopt that analysis for PC3 as notified and have not repeated it here except where necessary in Section 6 of this report. However, it is important to highlight the higher order documents that have been subject to change since notification of the PDP which must be given effect to. Those that are relevant to PC3 are discussed in Section 5.2 below.

5.1.1 Resource Management Act

21. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation underway. The government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

5.1.2 Resource Management (Freshwater and Other Matters) Amendment Act

22. The Resource Management (Freshwater and Other Matters) Amendment Act was passed into law on 24 October 2024. It includes amendments to the hierarchy of obligations for Freshwater Management for resource consenting while a review and replacement of the National Policy Statement for Freshwater Management (NPS-FM) 2020 is undertaken and suspends the requirement for councils to comply with the Significant Natural Areas (SNA) provisions of the National Policy Statement for Indigenous Biodiversity (NPS-IB) 2023 for three years, while it works on replacement legislation for the RMA.

23. Plans are still required to give effect to the current direction of the NPS-FM 2020 (subject to the specified exceptions in the RMA Amendment Act) while a review is undertaken, and the NPS-IB 2023 (with the exception of the provisions that are suspended for 3 years¹). There are no specific amendments that are directly relevant to papakāinga development.

5.2 National Policy Statements

5.2.1 National Policy Statements Gazetted since Notification of PC3

24. PC3 was prepared to give effect to the National Policy Statements (NPS) that were in effect at the time of notification (2 May 2024²).
25. However, it is important to highlight the higher order documents that have been gazetted or amended following notification of the PC3 on 2 May 2024.
26. As District Plans must be “prepared in accordance with³” and “give effect to⁴” a NPS, the Hearing Panel must apply each NPS as it stands when making recommended decisions to the Council. The Government are currently working on amendments to several of the National Policy Statements and have indicated that a suite of amendments will be proposed by the end of 2024, followed by a consultation process. I note that the proposed amendments and replacement NPS signalled by the Government are to not have legal effect until they are adopted by Government and formally gazetted.
27. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current NPS).

National Policy Statement for Indigenous Biodiversity 2023

28. The objective of the NPS-IB is to maintain indigenous biodiversity across Aotearoa New Zealand so there is at least no overall loss in indigenous biodiversity after the commencement date (31 May 2023). The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tāngata whenua in their rohe. Part 3 of the NPS-IB sets out what must be done to give effect to the objective and policies.
29. As stated in Section 5.1.2 above, the Government has suspended certain requirements of the NPS-IB for a 3-year period and indicated that the replacement Resource Management legislation and an amended NPS-IB will further address this matter.

¹ Listed in clause 20, section 78(2) of the [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#)

² PC3 was notified on 15 April 2024 then re-notified on 2 May 2024 to fully meet the Schedule 1 statutory requirements.

³ [Section 74\(1\)\(a\) of the RMA](#)

⁴ [Section 75\(3\)\(a\) of the RMA](#)

30. When the revised legislation takes effect, Council will need to consider the extent to which changes to the District Plan more generally are required to give effect to the amended NPS-IB. These considerations are outside the scope of PC3 and will be undertaken as a separate process. In the meantime, the NPS-IB will be relevant to activities being undertaken on land to develop papakāinga but nothing in PC3 is fundamentally inconsistent with the NPS-IB. The presence of indigenous vegetation and habitats will be another matter that is necessary to consider when planning for development on a site.

National Policy Statement for Highly Productive Land 2022

31. The objective of the National Policy Statement for Highly Productive Land (NPS-HPL) 2022 is to protect highly productive land for use in land-based primary production both now and for future generations. This objective is supported by nine policies and implementation requirements that sets out how local authorities will give effect to the objective and policies.
32. For completeness, I have summarised below the key clauses of the NPS-HPL relevant to papakāinga development. Clause 3.8 (avoiding subdivision of highly productive land) and Clause 3.9 (protecting highly productive land from inappropriate use and development) contain exclusions for certain activities.
33. Clause 3.9(2) of the NPS-HPL states that a use or development of highly productive land is inappropriate except where at least one of the following applies and the measures in subclause (3) are applied:
- (c) It is, or is for a purpose associated with, a matter of national importance under Section 6 of the Resource Management Act (which includes S6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga); or
 - (d) it is 'specified Māori land'.
34. If one of the above matters applies, Clause 3.9(3) NPS-HPL must be applied, which states that territorial authorities must take measures to ensure that any use or development on highly productive land:
- (a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*
35. "Specified Māori land" is defined in the NPS-HPL as land that is any of the following:
- (a) *Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*

- (b) *land vested in the Māori Trustee that—*
 - (i) *is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and*
 - (ii) *remains subject to that Act:*
 - (c) *land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*
 - (d) *land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):*
 - (e) *the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:*
 - (f) *land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land.*
36. Land that is Māori freehold land (held under the TTWMA) meets the criteria for “specified Māori land” under Clause 3.9(2)(d) within the NPS-HPL and is exempt from the NPS-HPL restrictions if the measures in subclause (3) are applied. Treaty Settlement Land, in particular, land that is returned and held in Māori freehold title, would also meet the definition of “specified Māori land” under Clause (f).
37. Papakāinga on general title land owned by Māori that is ancestral land would meet criteria 3.9(2)(c) because Māori living on their ancestral lands is for the purpose of, and directly associated with matter of national importance S6(e) RMA. As a result, papakāinga on ancestral land that are held in general title would be exempt from the NPS-HPL restrictions on land use if the measures in subclause (3) are applied, though subdivision of general title land that is “highly productive land” associated with a papakāinga would still likely be subject to the restrictions in Clause 3.8(1).
38. In terms of clause 3.9(3), PC3 provides for papakāinga as a permitted activity on land held under TTWMA (which is “specified Māori land” described in paragraph 35 above), subject to compliance with permitted activity performance standards. It also provides for papakāinga as a restricted discretionary activity on general title land, subject to compliance with bulk and location performance standards.
39. Any papakāinga failing to comply with performance standards requires a restricted discretionary activity consent (for example rule 3.1.3(p) for the Rural Zone) with matters of discretion related to
- (i) avoiding, remedying or mitigating actual or potential effects from non-compliance with the performance standards

- (ii) effects on character and amenity values, and
- (iii) measures proposed to avoid or mitigate potential reverse sensitivity effects.

40. These provisions enable an assessment of any papakāinga infringing the bulk and location thresholds against matters of relevance to the NPS-HPL through the resource consent process and reduce the likelihood of a papakāinga being inappropriate within highly productive land and creating reverse sensitivity effects. Within the South Taranaki district there is a low likelihood of papakāinga reducing the availability and productive capability of highly productive land, particularly considering the uptake for papakāinga is constrained by several other barriers (outside of the District Plan), and the intensity of the papakāinga will be determined by the servicing capacity of the land and the performance standards. The PC3 framework is therefore not considered to be inconsistent with the direction of the NPS-HPL.
41. New amendments to the NPS-HPL took effect on 13 September 2024. The amendments introduced a new consenting pathway for intensive indoor primary production, greenhouse activities, and specified infrastructure. No amendments were made to the NPS-HPL directly applicable to papakāinga summarised above.
42. The Council will need to give effect to the NPS-HPL and its amendments as part of a future plan change or as part of the comprehensive District Plan Review, however, these changes at present are considered outside the scope of PC3 and will be undertaken as a separate process.

5.3 Regional Policy Statement for Taranaki

43. The Regional Policy Statement (RPS) for Taranaki is currently under review. The review is proposed to occur in two parts.
44. Part 1 of the review will focus on a review and update of the land and freshwater chapters of the RPS to give effect to the NPS-FM and aligned with the preparation of a Proposed Land and Freshwater Plan for Taranaki.
45. Part 2 of the review will focus on a review and update of the remaining chapters of the policy statement post-2025 for document alignment and to give effect to other national directions and community expectations.
46. These draft documents are not relevant to PC3 as they are yet to be notified.
47. There have been no amendments to the RPS since notification of PC3.

5.4 Regional Plans

48. Under Section 75(4) of the RMA, a district plan must not be inconsistent with a regional plan for any regional council functions specified in Section 30(1) of the

RMA. The Taranaki Regional Council is implementing a strategic plan review of the following regional plans:

- a) Regional Freshwater Plan
- b) Regional Soil Plan
- c) Regional Air Plan

- 49. The regional freshwater and soil plans will be combined into a new Land and Freshwater Plan for Taranaki.
- 50. A revised Regional Air Plan for Taranaki is proposed to occur following a review of the remaining chapters in the RPS. Notification for the regional air plan is expected in 2026.
- 51. These draft documents are not relevant to PC3 as they are yet to be notified. The applicable versions of the regional plans noted above remain as they were at the time of notification of PC3.
- 52. The Coastal Plan for Taranaki was made operative on 4 September 2023 and has not changed since the notification of PC3.

5.5 Treaty Settlements

- 53. Section 3.4.2 of the Section 32 Report for PC3 summarises the status of Treaty Settlements within the South Taranaki district. Since notification of PC3 on 15 April 2024 there have been no further Deeds of Settlement signed to settle historic Te Tiriti o Waitangi / Treaty of Waitangi Claims against the Crown, in the South Taranaki District.

5.5.1 Iwi Management Plans – Update

- 54. There have been no changes to Iwi Management Plans since PC3 was notified. Section 3.4.1 of the Section 32 Report for PC3 explains the Iwi Management Plans relevant to PC3.

5.6 Section 32AA evaluation

- 55. This report uses ‘key issues’ to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of PC3 are recommended, these have been evaluated in accordance with Section 32AA of the RMA. These evaluations are contained within section 6 of this report.
- 56. The s32AA further evaluation for each key issue considers:
 - a) The extent to which the amendments to the proposal are the most appropriate way to achieve the purpose of the RMA.

- b) Whether the amendments are the most appropriate way to achieve the objectives of PC3, by:
 - i. Identifying other reasonably practicable options for achieving the objectives.
 - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives.
 - iii. Considering the environmental, social, economic and cultural benefits and costs of the amended provisions.
 - iv. Considering the risk of acting or not acting where there is uncertain or insufficient information about the provisions.

57. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5.7 Procedural Matters

5.7.1 Pre-hearing engagement

58. South Taranaki District Council officers have had pre-hearing engagement with several submitters to clarify matters raised in their submissions. These are summarised in Table 2 below.

Table 2: Pre-hearing engagement with Submitters

Submitter	Type of engagement	Date	Summary of engagement / discussion
Ngāti Hāua Hapū (S7)	Meeting and email correspondence	23 September 2024	Discussions were held with representatives of Ngāti Hāua Hapū to clarify the points raised and the relief sought in submissions S7.1, S7.9, S7.12 and S7.19. Ngāti Hāua Hapū subsequently provided suggested wording to support their submission points (addressed in Section 6.2 below).
Parininihi ki Waitōtara Incorporation (PKW) (S2)	Email correspondence	11 September 2024	Email engagement with Richard Buttimore of PKW to clarify the location of land owned by PKW, the status of this land, the management structures in place, and whether an ancestral connection was present. The

Submitter	Type of engagement	Date	Summary of engagement / discussion
			information sought was provided.
Te Korowai o Ngāruahine Trust (S3), Ngā Mahanga Hapū (S6), Te Kāhui o Taranaki Trust (S9)	Email correspondence	11 September 2024, 11 October 2024	Opportunity for submitters to provide more information on the nature, location and extent of 'other land' types they refer to in their submissions. The information sought was not provided by submitters S3, S6 or S9.

5.7.2 Clause 16 amendments

59. The Council can make an amendment to a provision under Clause 16(2) where such alteration is of minor effect or may correct any minor errors. The provisions of PC3 have been updated to use lower case for the terms 'general title land', 'Māori freehold land' and 'Māori customary land' for consistency. These changes are neutral and do not alter the meaning of the provisions. These changes are shown as clean changes in Appendix 1 and throughout this report (i.e. are not shown as underline or strikethrough).

6 Consideration of submissions received

6.1 Overview of submissions received

60. A total of eight original submissions (131 submission points) and three further submissions (119 further submission points) were received on PC3.
61. In summary, 29 original submission points indicated general support, 50 submission points indicated support in part with changes requested, and 51 submission points opposed provisions proposed in PC3. One submission point's position was not stated.
62. All submitters generally support PC3 in principle.
63. The submissions on PC3 came from⁵:
- a) Submitter 2 - Richard Buttimore for Parininihi Ki Waitōtara Incorporation (PKW)
 - b) Submitter 3 - Te Aorangi Dillon for Te Korowai o Ngāruahine Trust
 - c) Submitter 4 - Health NZ National Public Health Service Te Manawa Taki - for Health New Zealand / Te Whatu Ora

⁵ Note submission reference numbers start at number 2 due to the submission database numbering, and there is no submission #1 that has been omitted.

- d) Submitter 5 - Kāinga Ora - Homes and Communities
- e) Submitter 6 - Tāne Manukonga for Ngā Mahanga Hapū
- f) Submitter 7 - Karl Adamson for Ngāti Hāua Hapū
- g) Submitter 8 - Petrus Johannes Franciscus Rodeka
- h) Submitter 9 - Ngawai Terry for Te Kāhui o Taranaki Trust

64. Further submissions on PC3 came from:

- a) Further Submitter 10 – Ngahina Capper
- b) Further Submitter 11 – Richard Buttimore for Parininihi Ki Waitōtara Incorporation (PKW)
- c) Further Submitter 12 – Karl Adamson for Ngāti Hāua Hapū

65. Section 6 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submission points received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to and recommended decision on, submission points.

6.2 Late Submission

66. Further Submission 12 from Ngāti Hāua Hapū was received on 19 July 2024, one day past the closing date for submissions (5pm Thursday 18 July 2024). This further submitter contacted Council to request a one-day extension. The reason provided by Karl Adamson of Ngāti Hāua Hapū for the late submission was that they had various kaupapa to address at that time and their secretary who was assisting with the further submission drafting, had been out of the country.

67. The Hearing Panel (on behalf of Council) has the ability to waive or extend a time limit for Schedule 1 processes under Section 37 and 37A of the RMA, taking into account:

- (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) *its duty under section 21 to avoid unreasonable delay.*

68. Taking into account the matters set out in Section 37A(1) of the RMA, it is recommended that the Hearing panel accept the late submission by Ngāti Hāua Hapū (FS12) as a submission, allowing the matters raised to be addressed through the hearing process because:
- a) The submission was received no more than 24 hours past the closing time/date for further submissions and will not result in unreasonable delay.
 - b) The further submission was made on other submission points that are within the scope of the plan change. It is important that these matters are considered, addressed and tested through the schedule 1 process along with all other matters raised in submissions.
 - c) There is no prejudice to any person directly affected by the Hearings Panel accepting the late submission.

6.3 Officer Recommendations

69. A recommended set of provisions on response to submissions on PC3 is provided in Appendices 1.1-1.7 to this Report. In these appendices, the changes to Operative District Plan provisions as notified are shown in **red text** (with ~~strikethrough~~ for deletions and underline for additions). The amendments recommended in this report in response to submissions are shown in **blue text** (with ~~strikethrough~~ for deletions and underline for additions).
70. A full list of submissions, further submissions, and officer recommendations on the submission points for PC3 is contained in Appendix 2: Recommended Decisions on Submissions.
71. For information purposes, Appendix 3 contains maps of the extent of Māori land and Treaty Settlement land based on currently available information from Māori Land Court and Te Arawhiti at the time of writing.

6.3.1 Key Issue 1: Ancestral land vs land owned by tāngata whenua

Overview

Table 3: Summary of Officer Recommendations for Key Issue 1

Provision(s)	Officer Recommendation(s)
Definition of 'Ancestral Land'	Amend definition to replace reference from "means land that belonged to tipuna/tupuna (ancestors)" with "land where there is a demonstrated whakapapa or ancestral connection to the land".
Objective 2.7.11	Amend to provide for papakāinga development on ancestral land (rather than "land owned by tāngata whenua").
Policy 2.7.18	Amend to refer to papakāinga on ancestral land.
Rules and matters of discretion for papakāinga development in zone chapters 3-6	Consequential amendments to matters of discretion, for consistency, from wording that requires that the applicant has "demonstrated their whakapapa or ancestral connection to the land" to "the applicant has demonstrated that the land is ancestral land".

Analysis of Submissions on Key Issue 1

Matters raised in submissions

72. Kāinga Ora (S5.1) support the definition of ‘ancestral land’ and request it is retained as notified.
73. Kāinga Ora (S5.6) supports Objective 2.7.8 and request it is retained as notified.
74. Kāinga Ora (S5.7) supports Objective 2.7.11 but seeks an amendment to refer to “land owned by tāngata whenua” as follows:

To provide for papakāinga development on land owned by ~~Tāngata Whenua~~ iwi, hapū and whānau.

75. Te Korowai o Ngāruahine Trust (S3.1), Ngā Mahanga Hapū (S6.1), Ngāti Hāua Hapū (S7.2) and Te Kāhui o Taranaki Trust (S9.1) seek that the definition of ‘ancestral land’ is deleted from PC3. The submitters consider that the definition for ‘ancestral land’ is unclear and unnecessary as the definition is only used in the parts of the plan that refer to Papakāinga and does not appear to add any value.
76. Ngāti Hāua Hapū (S7.9 and S7.10) seek amendments to Objectives 2.7.6-2.7.11 and Policies 2.7.12-2.7.21 to better support the aspirations of Ngāti Hāua Hapū, reflect the changes sought to provisions elsewhere (including the above), and ensure papakāinga is supported across the plan⁶.

Analysis - Ancestral land and the concept of ‘Ownership’

77. The definition of ‘Ancestral Land’ proposed as part of PC3 is:
- ANCESTRAL LAND: means land that belonged to tipuna/tupuna (ancestors).*
78. The purpose of PC3 is to amend the current provisions to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the environment. The intent of PC3 is to enable papakāinga on land held under Te Ture Whenua Māori Act (TTWMA) 1993, and other land where an ancestral connection is demonstrated and long-term ownership is proposed.
79. This intent is explained in the new paragraph added to Section 2.7 (by PC3) as notified:
- “Opportunities to develop papakāinga housing on these lands are also provided for within the District Plan for Māori to enable development of ancestral lands in accordance with tikanga Māori, regardless of land status.”*

⁶ Note, some of these requests are addressed in Key Issue 5: Other Matters where they do not specifically relate to the “ancestral land” and the concept of “ownership”.

80. Submissions S3.1, S6.1, S7.2, and S9.1 raised concerns about the purpose of the 'Ancestral Land' definition. The definition was produced to coincide with the matters of discretion for the demonstration of whakapapa/ancestral connection to the land as outlined in the papakāinga developments on general title land rules proposed in sections 3-6, as well as emphasise the relevant objectives and policies. I recognise the intent is not clear given the words "Ancestral Land" are not specifically used in the objectives, policies or rules of the Plan. Rather, the proposed provisions (as notified) use the following terms (my emphasis added):

Objectives and Policies

Objective 2.7.11 To provide for papakāinga development on land owned by Tāngata Whenua.

Policy 2.7.18 Allow for papakāinga on general title land where there is a demonstrated ancestral connection to the land and that the land is intended to remain with Māori long term.

Method of implementation:

In providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.

Matters of Discretion for Rule 3.1.3(o) (and others)

Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

- (i) *Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.*

81. Submissions S7.9 and S7.10 by Ngāti Hāua Hapū raise concerns that the Section 2.7 objectives and policies appear to repeat the wording of the section 6 and 7 matters of the RMA and seek amended wording to better support the aspirations of Ngāti Hāua. Ngāti Hāua Hapū has also expressed that there is a significant amount of case law regarding 'Ancestral land' in Aotearoa, and the concept of 'ownership' has the potential to undermine, diminish and narrow the relationship Māori have with their ancestral lands, particularly the application of section 6(e), 7(a) and 8 of the RMA. Ngāti Hāua Hapū (S7.14) has also sought amendments to the rule framework and matters of discretion to ensure that the relationship with their ancestral land is not unnecessarily narrowed.
82. I agree with Ngāti Hāua Hapū that reference to 'land owned by tāngata whenua' referred to in objective 2.7.11 and the definition of "ancestral land" referring to "land that belonged to tipuna/tupuna (ancestors)" are not as clear as they could be

which could potentially undermine the intent of PC3. In particular, the term “tāngata whenua” as defined by the RMA means:

tangata whenua, in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area

83. If used in the context of “ownership” the term tāngata whenua could be narrowly interpreted to exclude land owned by whānau which could have perverse outcomes.

84. I also acknowledge that Iwi Management Plans for several iwi within the district (for example, Ngaa Rauru Kiiitahi) consider all land within their rohe to be ancestral land. The Taranaki RPS (Section 16.3) also explains that:

Ancestral lands are not restricted to land currently in Māori ownership but may also include lands traditionally occupied by iwi and hapū. In managing the land resources of Taranaki, opportunities must be provided for tangata whenua to use and develop their land in accordance with their culture and traditions, providing for appropriate development of marae, papakāinga and whare wānanga on tūrangawaewae and protecting wāhi tapu and other resources and places of cultural values from the adverse effects of land use.

85. In response to the above submissions, I recommend they are accepted in part and the definition of ‘Ancestral Land’ is amended to reference “whakapapa/ ancestral connection” rather than land “belonging” to ancestors, and the following consequential amendments are made to the provisions for consistency and better horizontal integration:

ANCESTRAL LAND: means land that belonged to tipuna/tupuna (ancestors) where there is a demonstrated whakapapa or ancestral connection to the land.

Objective 2.7.11 To provide for papakāinga development on ancestral land owned by Tangata Whenua.

Policy 2.7.18 Allow for papakāinga on:

(a) Land held under Te Ture Whenua Māori Act; and

(b) ancestral land where it is general title land; where there is a demonstrated ancestral connection to and that the land⁷ is intended to remain with Māori long term.

Method of implementation:

In providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.

⁷ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

Matters of discretion and associated advice notes for rules for papakāinga development on general title land in the zone chapters are as follows:

- (i) Whether the applicant has demonstrated ~~their whakapapa or ancestral connection to the land~~ that the land is ancestral land.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated ~~a whakapapa or ancestral connection to the land;~~ that the land is ancestral land⁸.

86. I consider that the recommendations are more appropriate in achieving the purpose of the RMA because they:
- a) Better reflect the intent of the plan change (to provide for papakāinga on ancestral land).
 - b) Reduce the potential for the terms ‘ownership’ or ‘belonging’ undermining the intent, and ensure the provisions better support the aspirations of tāngata whenua.
 - c) Are more closely aligned with terms used in higher order direction (including 6(e), 7(a) and 8 of the RMA and Section 16.3 of the Taranaki RPS).
 - d) Achieve greater consistency in terminology and integration between the definitions, objectives, policies, methods and rules, which aids with plan interpretation and implementation (and reduces costs and risks associated with ambiguity and inconsistent interpretation).

Recommendation

87. For the above reasons, I recommend that:
- a) Submissions from Kāinga Ora (S5.1), Te Korowai o Ngāruahine Trust (S3.1), Ngā Mahanga Hapū (S6.1), Ngāti Hāua Hapū (S7.2) and Te Kāhui o Taranaki Trust (S9.1) on the definition of ‘Ancestral Land’ are accepted in part, insofar as the recommended amendments address the concerns raised by the iwi and hapū groups.
 - b) Submissions from Ngāti Hāua Hapū (S7.9, S7.10) and Kāinga Ora (S5.7) are accepted in part and the provisions are amended as set out in paragraph 85 above. The abovementioned recommended changes do not change the intent

⁸ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

of the plan change, they simply clarify the intent and achieve the intended outcome in a more efficient and effective manner.

Section 32AA evaluation

88. Paragraphs 85 to 86 above provides a Section 32AA evaluation for the recommended changes referred to in paragraph 85. Specifically, the recommended amendments to provisions are the most appropriate way to achieve the objectives of PC3, and are efficient and effective, because they:

- a) Reduce the potential for the terms ‘ownership’ or ‘belonging’ undermining the intent of PC3 and compromising the outcomes sought which will lead to more consistent outcomes.
- b) Ensure the provisions better support the aspirations of tāngata whenua including economic growth and social and cultural wellbeing.
- c) Achieve greater consistency in terminology and integration between the definitions, objectives, policies, methods and rules, which aids with plan interpretation and implementation (and reduces costs and risks associated with ambiguity and inconsistent interpretation).
- d) Are more closely aligned with terms used, and give effect to, higher order direction (including 6(e), 7(a) and 8 of the RMA and Section 16.3 of the Taranaki RPS).

6.3.2 Key Issue 2: Pathways for papakāinga on land not held under Te Ture Whenua Māori Act

Overview

Table 4: Summary of Officer Recommendations for Key Issue 2

Provision(s)	Officer Recommendation(s)
Permitted activity status for papakāinga on land held under TTWMA (Rules 3.1.1(f), 4.1.1(e), 5.1.1(e), 6.1.1(xiv))	Retain as notified.
Restricted discretionary activity status for papakāinga on general title land (rules 3.1.3(o), 4.1.3 (f), 5.1.3(f), 6.1.3(e))	Retain as notified.
Definition of ‘General Title Land (In Relation to Papakāinga Development)’	Amend wording to clarify which land types are not considered general title land.
Definition of ‘Papakāinga Development’	Consequential amendment to add reference to “or general title land that is ancestral land” for completeness.
Definition of ‘Papakāinga Development on General Title Land’	Delete definition.

Analysis of Submissions on Key Issue 2

Matters raised in submissions

89. Several submissions (see Table 5 below) were made seeking that the permitted pathway for papakāinga development of PC3 be broadened to include other types of land (beyond land held under TTWMA). Table 5 below generally summarises these submissions.

Analysis – Broadening Permitted Pathway

90. PC3 (as notified) provides for the following in the Rural, Residential, Township and Commercial Zone chapters:
- a) Papakāinga development as a **permitted activity** on land held under TTWMA 1993 where performance standards are met
 - b) Papakāinga development as a **controlled activity** on land held under TTWMA 1993 when performance standards are not met
 - c) Papakāinga development as a **restricted discretionary activity** on general title land when performance standards are met, with matters of discretion restricted to demonstrating the land is ancestral land and will remain in long-term Māori ownership.
 - d) Papakāinga development as a **restricted discretionary activity** on general title land when the performance standards are not met, with matters of discretion restricted to various matters relating to managing the adverse effects arising from the non-compliance.

Table 5 Summary of Submissions for Key Issue 2: Pathways for papakāinga on land not held under Te Ture Whenua Māori Act

Submitter	Submission Point	Summary of Submission
Te Korowai o Ngāruahine Trust	3.2, 3.4, 3.5, 3.10, 3.16, 3.17, 3.32, 3.22, 3.28, 3.29, 3.34	Amend the definition of 'General Title Land (In Relation to Papakāinga Development),' 'Papakāinga Development' and 'Papakāinga Development on General Title Land' to encompass the relationship that hapū, iwi, marae, whānau and uri, have with their ancestral lands and including land returned by Treaty Settlement within the definition. Amendments are sought to Rule 3.1.2(b), 4.1.2(a), 4.1.3(f), 4.1.3(g) 5.1.2(a), 6.1.2(b), 6.1.3(e) and 6.1.3(f) that reflect the changes requested above.
	3.11, 3.31, 3.17, 3.23, 3.33, 3.27 3.21, 3.15	Amend Rule 3.1.3(o), 3.1.3(p), 4.1.3(f), 5.1.3(f), 5.1.3(g) and 6.1.1(xiv) and to remove reference to general title land and insert reference to whenua Māori to align with submitters previous submissions. Amend Rule 4.1.1(e) and 5.1.1(e) to refer to the type of whenua papakāinga can be developed as a permitted activity.
Te Korowai o Ngāruahine Trust, Ngāti Hāua Hapū	3.9, 7.12	Amend Rule 3.1.1(f) to broaden the whenua types in which papakāinga can be undertaken on as a permitted activity.
Kāinga Ora	5.2	Retain the definition of 'General Title Land (In Relation to Papakāinga Development)' as notified in PC3.
	5.5	Delete 'Papakāinga Development on General Title Land' definition as papakāinga and associated activities should be a provided for on both Māori title land and general title land.
	5.8, 5.11	Retain the methodology in providing for papakāinga on Māori owned land as notified in PC3. Retain Policy 2.7.18 as notified in PC3.
	5.12, 5.13, 5.17 5.22, 5.27, 5.16, 5.21, 5.14, 5.15, 5.18, 5.19, 5.23, 5.24, 5.26 5.28, 5.29	Amend Rules 3.1.2(b), 4.1.2(a), 5.1.2(a), 6.1.2(b) to include "papakāinga on general title land" (and remove reference to land held under Te Ture Whenua Māori Act 1993). Amend Rule 3.1.1(f), 4.1.1(e) and 5.1.1(e) to include "and on general title land" so it is permitted. Delete Rule 3.1.3(o), 3.1.3(p), 4.1.3(f), 4.1.3(g), 5.1.3(f), 5.1.3(g), 6.1.1(xiv), 6.1.3(e) and 6.1.3(f) as there should be no distinction in activity status between papakāinga on Māori freehold or general title land. The submitter seeks for papakāinga to be treated as a permitted or controlled activity and the deletion of this rule.
Ngā Mahanga Hapū	6.2, 6.3, 6.4	Amend the definition of 'General Title Land (In Relation to Papakāinga Development)' and 'Papakāinga Development' to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Retain the definition of 'Papakāinga Development on General Title Land' if the amendment to 'General Title Land (In Relation to Papakāinga Development)' and 'Papakāinga Development' are accepted.
Ngāti Hāua Hapū	7.3, 7.5, 7.13, 7.10 7.14, 7.6	Delete 'General Title Land (In Relation to Papakāinga Development)' and 'Papakāinga Development' definitions and insert a new definition encompassing the relationship that hapū, iwi, marae, whānau and uri, as well as PSGEs, have with their ancestral lands. Alternatively, amend definition to avoid confusion. Delete 'Papakāinga Development on General Title Land' definition to reduce confusion. Amendments are sought to Rule 3.1.2(b) and other provisions that reflect the changes requested above.

Submitter	Submission Point	Summary of Submission
		Amendments are sought to Rules 3.1.2(b) and 3.1.3(p) that reflect the changes requested above, and to ensure the relationship of Ngāti Hāua Hapū and Ngāti Hāua uri with their culture and traditions and their ancestral lands within their takiwā is recognised and provided for. Consequential amendments to Policy 2.7.18 are also sought as a result of proposed rule framework amendments.
Te Kāhui o Taranaki Trust	9.2, 9.3, 9.4	Amend the definition of 'General Title Land (In Relation to Papakāinga Development)' and 'Papakāinga Development' to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Retain the definition of 'Papakāinga Development on General Title Land' as notified in PC3.
Parinihi Ki Waitōtara Incorporation, Ngā Mahanga Hapū, Te Kāhui o Taranaki Trust	2.1, 2.2, 2.3	Amend the definition of 'General Title Land (In Relation to Papakāinga Development)', 'Papakāinga Development' and 'Papakāinga Development on General Title Land' to include other Māori ownership structures within the definition.
	2.13, 2.14, 2.15	Amend Issue 2.7.5, Objective 2.7.8 and Policy 2.7.21 to enable the collaboration of Māori Incorporations and Māori Land Trusts in supporting Iwi, hapū and whānau with Papakāinga Development.
	2.4, 2.5, 2.6, 2.8, 2.9 2.7, 6.6, 9.6	Amend Rules 3.1.2(b), 3.1.1(f), 4.1.1(e), 4.1.2(a), 5.1.1(e) to remove reference to land held under Te Ture Whenua Māori Act 1993 to enable papakāinga on all land ownership classifications.
Ngā Mahanga Hapū, Te Kāhui o Taranaki Trust	6.5, 9.5	Amend Rule 3.1.1(f) to remove reference to land held under Te Ture Whenua Māori Act 1993 as the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.
	6.7, 6.9, 6.11, 9.7, 9.9, 9.11 6.8, 6.10, 6.12, 9.8, 9.10, 9.12	Amend Rule 4.1.1(e), 5.1.1(e) and 6.1.1(xiv) to remove reference to land held under Te Ture Whenua Māori Act 1993. The submitter seeks that the rule in the operative district plan is retained. Amend Rule 4.1.2(a) 5.1.2(a) and 6.1.2(b) to remove reference to land held under Te Ture Whenua Māori Act 1993.
Petrus Johannes Francisus Rodeka	8.2	Enable a pathway for papakāinga development on general title land.

91. The definition of 'General Title Land (In Relation to Papakāinga Development)' in PC3 reads as follows:

GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.

92. The proposed approach allows for papakāinga development on Māori freehold land, Māori customary land and Crown land reserved for Māori (land held under the Te Ture Whenua Māori Act) as a permitted activity. There is a consenting pathway for papakāinga on other types of land (general title land) as a restricted discretionary activity to ensure that applicants demonstrate their ancestral connection and that the land will be held in long-term ownership.
93. The definition of 'General Title Land (In Relation to Papakāinga Development)' is intentionally broad and is intended to ensure that papakāinga development on all types of land that are not Māori land held under the TTWMA is enabled. The provisions provide an enabling consenting pathway (restricted discretionary activity status) for papakāinga on general title land. This definition is also important to provide context to the various new rules and policies that relate to general title land. It makes a clear distinction between the permitted rules for papakāinga (on land held under TTWMA) and papakāinga on other land not held under TTWMA which require resource consent as a restricted discretionary activity.
94. The key reason that Council took this approach (to require that long-term Māori ownership is demonstrated by way of legal mechanisms through the resource consent process) was because Council recognises that Māori land is a taonga which is handed from generation to generation, therefore it was considered appropriate that any future development enabled on general land owned by Māori (including Treaty Settlement land) should be for the benefit of the hapū/whānau that whakapapa to the land, and not sold outside of the whānau/hapū. Secondly, it seeks to ensure the enabling papakāinga provisions are not used perversely by private developers, non-Māori, or others who do not have ancestral connections to the whenua.
95. The proposed approach, including the requirement to demonstrate appropriate mechanisms to secure long-term Māori ownership of the land title, is similar to the district-wide approach taken for papakāinga provisions in District Plans by other councils including Hastings District Council, Whangārei District Council, Kāpiti Coast District Council and Porirua City Council.
96. The submitters are generally seeking that the framework be amended to broaden the permitted activity pathway so it applies to other types of land (not just land held under TTWMA), including, for example:
- a) General land that ceased to be Māori freehold land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their

- descendants, who owned the land immediately before the land ceased to be Māori freehold land; or
- b) General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity;
 - c) General land owned by a legally incorporated hapū entity;
 - d) General land owned by an Iwi Authority, settlement trust or subsidiary entity;
 - e) General land held in certain ownership structures, such as Māori Corporations or Māori Land Trusts;
 - f) Cultural or commercial redress properties returned to Post-Governance Settlement entities through Treaty Settlement Processes; or
 - g) Land owned by Māori that is not held under the TTWMA but held in other mana whenua iwi, hapū or whānau ownership structures or titles.
97. My understanding is that all of the above land types would fit within the definition of ‘General Title Land (In Relation to Papakāinga Development)’ proposed in PC3 (as notified, referred to in paragraph 91) because the intention of the definition of ‘General Title Land (In Relation to Papakāinga Development)’ is to capture all Māori-owned land that is not Māori freehold land, Māori customary land and Crown land reserved for Māori as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993. The restricted discretionary consenting pathway applies to papakāinga development on all general title land, including general title land that is returned through Treaty Settlement legislation. However, this intention is not clear in the notified wording of this definition which may be confusing for the submitters and future plan users. To clarify which land types are not intended to be included as general title, rewording the definition to specify which land types are excluded is recommended. New wording of the definition is provided below:

GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but does not include Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in ~~which is not held under~~ Te Ture Whenua Māori Act 1993/Māori Land Act 1993).

98. It is difficult to determine the nature and extent of ‘General Title Land (In Relation to Papakāinga Development)’ owned by Māori in the South Taranaki District to understand the extent and implications of the changes sought by submitters (to provide for papakāinga on these types of land as a permitted activity). To assist with my evaluation of the options, I provided an opportunity for the relevant submitters⁹ to provide more information on the nature, extent, land status and location of the “other land” types they refer to in their submissions, including Treaty Settlement land. The responses received are summarised below.

⁹ Te Korowai o Ngāruahine Trust, Ngāti Hāua, Ngā Mahanga Hapū, Te Kāhui o Taranaki Trust and PKW (via email on 11 September 2024).

99. Richard Buttimore of PKW (S2) advised that:
- a) 16,800 ha of PKW’s landholdings holds Māori freehold land status. 16,050 ha of this land is “whenua tupuna” which consists of two titles that have leasehold title governed under the Māori Reserved Lands Amendment Act 1997, with underlying Māori freehold title (unimproved land), governed under the TTWMA. The remaining 750 is Māori freehold land. I understand that all of this land (including “whenua tupuna” land) would be considered “land held under Te Ture Whenua Māori Act” and would benefit from the permitted activity provisions for papakāinga on land held under Te Ture Whenua Māori Act.
 - b) 500 ha of PKW’s landholdings is held in general title, which are primarily located in the Rural Zone.
100. Ngāti Hāua Hapū advised that Ngāti Hāua Whānui Incorporated Society, the entity through which Ngāti Hāua Hapū operates, do not currently hold/ own any land that would be classified under TTWMA. There are two deferred selection properties (DSPs) under the Ngāruahine Deed of Settlement (2014) which, if Ngāti Hāua resolve to do so, will receive from Te Korowai o Ngāruahine via a special purpose vehicle (SPV) mechanism. These are summarised in Table 6.

Table 6 Ngāruahine Deed of Settlement – Deferred Selection Properties in Ngāti Hāua Rohe

	Former Otakeho School Site	Former Awatuna School Site
CT reference	Record of Title 242907 - Cancelled: LD: Section 13 Block V Waimate Survey District (Taranaki)	Record of Title TNK3/2: LD: Part Section 32 Block IX Kaupokonui Survey District (Taranaki)
Size	2.8328 hectares more or less	4.0421 hectares
Location	2121 South Road, Otakeho, South Taranaki	2233 Eltham Road, Awatuna, South Taranaki.
Zone	Rural Zone Heritage Building H79	Rural Zone

101. To further assist with my evaluation on these matters, I have also undertaken a GIS analysis of the extent of ‘Māori freehold land’ and ‘Treaty Settlement Land’ within the South Taranaki District (summarised in Table 7 below). Appendix 3 to this Report also contains maps showing the location of these land types across the district. All of the ‘Māori land’ is Māori freehold land with the exception of 50 hectares of Māori customary land.

Table 7 Extent and Nature of Māori land and Treaty Settlement land in South Taranaki District¹⁰

	Māori land (Māori freehold and Māori customary land)	Treaty Settlement land (Commercial and cultural redress)
Number of properties	867	102

¹⁰ Based on GIS data sourced from Te Arawhiti (Office of Treaty Settlements) and Māori Land Court at 7 November 2024.

Total ha of land	22,260 ha	338 ha
Total portion of land in South Taranaki District	6.22%	0.09%
Property size (range)	77m ² to 687 ha	143m ² to 108 ha
Property size (average)	25.7 ha	3 ha
Property zone	Rural (100%)	Residential (1%), Rural (99%)

102. Considering the information above, my view is that the different activity status for the different land types (i.e. land held under TTWMA vs general title land), as notified and summarised in paragraph 90 above, are appropriate because:

- a) The permitted activity pathway for Māori freehold land, Māori customary land and Crown land reserved for Māori (land held under TTWMA) applies to land that is ancestral land, administered by the Māori Land Court, and the extent, location and nature of this land is known and understood (22,260 ha of Rural Zones land covering 6.22% of the South Taranaki District). To enable larger-scale development as a permitted activity on other types of land in rural areas could adversely affect rural character and could place significant pressure on infrastructure in the rural environment.
- b) For other types of land (beyond land held under TTWMA), it would not be appropriate to apply a permitted activity status because:
 - General title land could be sold on the open market, therefore there is no certainty (without a resource consent process and a legal mechanism in place) that a papakāinga development built on general title land will remain a papakāinga in Māori ownership long-term.
 - The key reasons that this approach was introduced are to ensure the land being developed for papakāinga remains in ownership of those who whakapapa to the land, which is appropriate to achieve the objectives of PC3.
 - It is appropriate that the definition of 'General Title Land (In Relation to Papakāinga Development)' remains broad so that it can capture a wide range of different ownership structures on general title land and that these are provided for under the restricted discretionary activity pathway to demonstrate the land is ancestral land and will remain in Māori ownership long-term.
 - General land owned by Māori can be subdivided and may be subject to the requirements of the NPS-HPL (if it is not 'ancestral land'). A permitted activity status for papakāinga on general title land may not be consistent with or "give effect" to the NPS-HPL, including in circumstances where the land is general title without a demonstrated ancestral connection to the land.

103. I am concerned that amendments to specifically refer to other land ownership structures could confuse and undermine the intent of the definitions and associated framework and create unintended consequences. For example, excluding general

land beneficially owned by a legally incorporated Māori entity from the definition of 'General Title Land (In Relation to Papakāinga Development)', could mean that Rule 3.1.3(o) applies. This rule applies a restricted discretionary activity status for papakāinga on general title land in the Rural Zone. If Rule 3.1.3(o) no longer applies to this type of land (general title land that is beneficially owned by a legal incorporated Māori entity), then there is no clear consenting pathway for papakāinga on land in this type of ownership structure¹¹.

104. I consider that PC3 is already very enabling, providing for papakāinga as a permitted activity, with limited restrictions, on land held under TTWMA that covers 6.22% of the district. The provisions, as notified, are generally consistent with the approach taken by other councils and are appropriate to achieve the objectives in 2.7.6 – 2.7.11 of the District Plan, including “to provide for papakāinga development on ancestral land”.

105. On a separate matter, Ngāti Hāua Hapū (7.6) and Kāinga Ora (S5.5) have suggested deleting the 'Papakāinga Development on General Title Land' definition to reduce confusion. The definition (as notified) reads:

PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.

106. I recognise that the rules provide a clear distinction between “papakāinga development on general title land” and “papakāinga development on land held under Te Ture Whenua Māori Act 1993”, therefore the definitions do not necessarily need to make this distinction and could be simplified. I agree that the definition of 'Papakāinga Development on General Title Land' can be removed, and I support including “general title land” within the definition of 'Papakāinga Development' which removes the need to have a separate definition for 'Papakāinga Development on General Title Land'. I note this amendment does not change the intent or application of the rule framework, rather it clarifies the intent and simplifies the provisions.

Recommendation

107. For the reasons stated above, I recommend that the provisions are retained as notified, that is, the framework (with the permitted pathway applying only to papakāinga development on land held under TTWMA) is retained as summarised in paragraph 90 above. I recommend that the submissions referred to in Table 5 are accepted, accepted in part or rejected as set out in **Appendix 2** to this Report.

108. I recommend that the submissions S7.6 by Ngāti Hāua Hapū and S5.5 by Kāinga Ora are accepted in part and the definition of 'Papakāinga Development on General Title Land' is deleted.

¹¹ Because my understanding is that this type of land would also not be considered “land held under Te Ture Whenua Māori Act 1993) and subject to the permitted rules.

109. I also recommend consequential amendments to the definitions of ‘Papakāinga Development’ and ‘General Title Land (In Relation To Papakāinga Development)’ (shown in blue underline text below) to achieve better integration between the recommended provisions and to reduce the potential for conflict or confusion:

PAPAKĀINGA DEVELOPMENT: means the ~~integrated~~ development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993) or general title land that is ancestral land.

GENERAL TITLE LAND (IN RELATION TO PAPAKĀINGA DEVELOPMENT): means land that is owned by Māori but does not include Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in ~~which is not held under~~ Te Ture Whenua Māori Act 1993/Māori Land Act 1993).

Section 32AA evaluation

110. The recommended amendments to the definitions do not change the intent or activity status of papakāinga development under the PC3 rules, they simplify the framework and clarify the intent. The recommended amendments are more appropriate in terms of achieving the purpose of the RMA and the objectives of the district plan than the notified version of the PC3 provisions because they are simplified and more specific, resulting in less potential for ambiguity or inconsistent interpretation, and will achieve the objectives in a more efficient and effective manner.

6.3.3 Key Issue 3: Bulk and location

Overview

Table 8: Summary of Officer Recommendations for Key Issue 3

Provision(s)	Officer Recommendation(s)
Rule 3.2.1(a)(v)	Retain as notified.
Rule 4.2.1(a)(iii)	Retain as notified.
Rule 5.2.1(c)	Retain as notified.
Performance Standard 3.2.2(a)	Retain as notified.
Performance Standard 4.2.2	Retain as notified.
Performance Standard 5.2.2	Retain as notified.
Performance Standard 6.2.1	Retain as notified.
Performance Standard 6.2.3	Retain as notified.
Performance Standard 6.2.4	Retain as notified.
Performance Standard 6.2.10	Retain as notified.

Analysis of Submissions on Key Issue 3

Matters raised in submissions

111. Several submitters (S2.10, S2.11, S3.12, S3.18, S5.20, S5.25, S7.15) support performance standards 3.2.1(a)(v), 4.2.1(a)(iii) and 5.2.1(c) relating to number of dwellings and net site area, and seek the provisions are retained as notified.
112. Richard Buttimore of PKW (S2.12) and Te Korowai o Ngāruahine Trust (S3.24) seek to retain Performance Standard 5.2.1(a)-(c) as notified in PC3.
113. Te Korowai o Ngāruahine Trust (S3.13, S3.19, S3.25) and Ngāti Hāua Hapū (S7.16) oppose performance standards 3.2.2(a), 4.2.2(a) and 5.2.2(a) and seek that bulk and location requirements for papakāinga development are removed.
114. Te Korowai o Ngāruahine Trust (S3.30) seeks the removal of performance standards 6.2.1, 6.2.3, 6.2.4 and 6.2.10 for papakāinga development in the Commercial Zone.
115. The submitters request these changes to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.

Analysis

116. The performance standards that received submissions are summarised in Table 9 below.

Table 9: Summary of Provisions Submitted for Key Issue 3

Rural Zone	
Performance Standard	Provision Summary
3.2.1(a)(v) Number of Dwelling Units	Papakāinga development is exempt from the above maximum number of dwellings units.
3.2.2(a) Bulk and Location	Height and Location Requirements for dwelling unit, home occupation and other sensitive activities: <ul style="list-style-type: none"> • Minimum setback State Highway: 20m • Minimum setback road boundary: 10m • Minimum setback other site boundaries: 10m • Maximum height: 10m
Residential Zone	
Performance Standard	Provision Summary
4.2.1(a)(iii) Net Site Area	Papakāinga development is exempt from the following net site area requirements: <ul style="list-style-type: none"> • 400m² for dwelling units outside the intensification area • 300m² for dwelling units within the intensification area
4.2.2 Bulk and Location	Location Requirements for buildings: <ul style="list-style-type: none"> • 4.5m to a road boundary outside the intensification area • 3m to a road boundary within the intensification area • 3m to a rail boundary

	<ul style="list-style-type: none"> 1.5m to any other site boundary <p>Maximum height: 8m</p>
Township Zone	
Performance Standard	Provision Summary
5.2.1(c) Number of Dwelling Units and Minimum Site Area	Papakāinga development is exempt from the above minimum number of dwelling unit performance standards set out in 5.2.1(a) and the net site area performance standards set out in 5.2.1(b).
5.2.2(a) Bulk and Location	<p>Height and Location Requirements for dwelling unit, home occupation and other sensitive activities:</p> <ul style="list-style-type: none"> Minimum setback State Highway: 10m Minimum setback road boundary: 5m Minimum setback other site boundaries: 1.5m Maximum height: 8m
Commercial Zone	
Performance Standard	Provision Summary
6.2.1 Bulk and Location	<p>Location Requirements for buildings:</p> <ul style="list-style-type: none"> 10m to the State Highway 3 road boundary between Hāwera and Normanby. 3m to the rail boundary. <p>Maximum height: 10m</p>
6.2.3 Sites Adjoining Residential Zone or Rural Zone	<ul style="list-style-type: none"> All buildings shall be setback 5m from the Residential or Rural Zone boundary. Landscaping and planting of at least 2m deep at the Residential or Rural zone boundary/boundaries shall be provided. All outdoor carparking, storage, servicing and loading areas shall be screened with a minimum height of 1.2m and maximum height of 2m. Light spill from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of an adjoining Residential zoned site.
6.2.4 Minimum and Maximum Floor Areas	<ul style="list-style-type: none"> Within the Commercial Zone (Hāwera Town Centre), no individual activity shall occupy a total floor area of 500m² or more, at ground level. Within the Commercial Zone (Large Format Trade and Service), no individual activity shall occupy a total floor area (excluding shared storage space and activities) less than 500m², at ground level. Within the Commercial Zone (Large Format Trade and Service), the maximum total floor area of any building shall not exceed 1000m².
6.2.10 Residential Activities and Visitor Accommodation	<ul style="list-style-type: none"> All new dwelling units to have private outdoor living area at least 50m² in area and capable of containing a circle 4m in diameter, oriented to the east, west, or north. All new minor dwelling units shall have a private outdoor living area which is at least 10m² in area and capable of containing a circle 2.5m in diameter and is oriented to the east, west or north of the dwelling unit. Within the Commercial Zone (Hāwera Town Centre) and the Defined Pedestrian Frontage area in Eltham, no residential activities or visitor accommodation shall occupy the ground floor of buildings. <p>Except that: Residential activities may occur on the ground floor to the rear of the building if the building frontage is occupied by retail or other permitted activity.</p>

117. The support of performance standards 3.2.1(a)(v), 4.2.1(a)(iii), and 5.2.1(c) by the submitters are acknowledged. The submitters seek that these standards are retained as notified, therefore I recommend no change is made to standards 3.2.1(a), 4.2.1(a)(iii), and 5.2.1(c).
118. Te Korowai o Ngāruahine Trust and Ngāti Hāua Hapū oppose the performance standards in the Rural, Residential, Township and Commercial Zones regarding bulk and location, specifically the height and location requirements for papakāinga development. The reasons provided by the submitters are to ensure whenua Māori can be developed in a way that meets iwi, hapū, whānau, marae and uri aspirations, culture and traditions, and for the requirements to be similar to those within the Parihaka Cultural Area.
119. The standards for papakāinga development in Parihaka Cultural Area are more permissive than those in the wider Rural Zone in that all buildings within the Parihaka Cultural Area are exempt from the Bulk and Location standards in rule 3.2.2. Instead, the following reduced bulk and location standards are applied to papakāinga developments and other permitted buildings in the Parihaka Cultural Area in Section 3 of the PDP:
- 3.2.2(c) Within the Parihaka Cultural Area, the following standards shall apply to all permitted activities.*
- (i) All buildings shall be located no closer than 5m to any road or other boundary.*
- (ii) No part of any building shall extend more than 15m above natural ground level.*
- (iii) The total gross floor area of all retail activities (excluding tourism related activities) within the Parihaka Cultural Area shall not exceed 400m².*
120. Section 2.7 of the ODP explains the reason for specific provisions for the Parihaka settlement is due to its historical significance and future aspirations; with site-specific provisions in place to manage the nature and scale of future development and activities while also ensuring adverse effects are avoided, remedied or mitigated.
121. The Bulk and Location, specifically height and location requirements that apply to the remaining Rural Zone and Residential and Township zones are as follows:
- a) Rural Zone: 10m minimum setback from road boundary and other site boundaries; 20m minimum setback from State Highway; 10m maximum height.
 - b) Residential Zone: 4.5m minimum setback from road boundary; 1.5m minimum setback from other site boundaries; 8m maximum height.

- c) Township Zone: 5m minimum setback from road boundary; 1.5m minimum setback from other site boundaries; 10m minimum setback from State Highway; 8m maximum height.

122. I consider that these standards with controls on building size, scale and location are necessary to control potential adverse effects on the environment, such as effects on character and amenity, and potential reverse sensitivity effects on existing land uses. These performance standards are used to implement the objectives and policies, in particular Policy 2.7.17, and policies that relate to the maintenance or enhancement of amenity values in sections 2.1-2.4 of the PDP. For context, Policy 2.7.17 is described as follows:

2.7.17 Enable the development of papakāinga housing whilst managing potential adverse effects on amenity values.

123. Section 4.3 of the Section 32 Report identified that providing for papakāinga development may have adverse effects on the surrounding environment. These effects can be reduced, mitigated or avoided under the District Plan by using performance standards to control the scale of activities that can occur as a permitted activity, including on land held under TTWMA. I consider the bulk and location standards are necessary and appropriate for the following reasons:

- a) To implement Policy 2.7.17.
- b) To reduce the potential for adverse effects on the environment and ensure papakāinga developments are compatible within the receiving environment.
- c) To achieve alignment with Section 7(c) RMA.

124. I note that papakāinga development is permitted on land held under TTWMA which covers approximately 6.22% of land in the district, without any maximum density restrictions, therefore the framework as notified is considered to be enabling and appropriate. For these reasons, I consider it important that the Council retains the bulk and location standards within the Rural, Residential and Township zones in order to manage character, amenity and reverse sensitivity effects on land in these zones, and to allow for a pathway to consider the effects of infringements on adjacent land uses or features.

125. Te Korowai o Ngāruahine Trust (S3.30) sought the removal of performance standards 6.2.1, 6.2.3, 6.2.4 and 6.2.10 in the Commercial Zone for papakāinga.

126. I note that the ODP contains the following objectives for the Commercial Zone:

- *2.4.4 Maintain and enhance the character and amenity values of commercial areas in a manner that enables commercial and other activities to support the local community, while avoiding or mitigating adverse effects within and adjoining the commercial areas.*

- *2.4.5 Complementary and compatible non-commercial activities within the commercial areas that support the functioning of commercial areas and recognise the sensitivities and amenity levels within and adjoining commercial areas.*

127. Additional policies also aim to maintain and enhance the amenity values within the Commercial Zone by managing the effects of activities and development. These objectives and policies as notified are not proposed to change in the PDP. The performance standards outlined in Section 6 implement these objectives and policies to ensure that amenity values are not compromised.

128. I do not support the requested removal of standard 6.2.1 Bulk and Location, as well as standards 6.2.3, 6.2.4 and 6.2.10 for the reasons outlined in paragraphs 123 and 124 above. All development undertaken as a permitted activity in the Commercial Zone are required to meet the relevant standards to maintain amenity values, and I consider this remains appropriate for papakāinga developments that may occur in this zone.

Recommendation

129. For the reasons outlined above I recommend that:
130. The submissions from Richard Buttimore of PKW (S2.10, S2.11, S2.12), Te Korowai o Ngāruahine Trust (S3.12, S3.18, S3.24), Kāinga Ora (S5.20, S5.25) and Ngāti Hāua Hapū (7.15) for the retention of performance standards 3.2.1(a)(v), 4.2.1(a)(iii), and 5.2.1(a)-(c) are accepted and the provisions are retained as notified.
131. The submissions from Te Korowai o Ngāruahine Trust (S3.13, S3.19, S3.25, 3.30) and Ngāti Hāua Hapū (S7.16) are rejected and the bulk and location standards are retained as notified.

Section 32AA evaluation

132. No change to the provisions is recommended. On this basis, no evaluation under Section 32AA is required.

5.2.3 Key Issue 4: Other matters (not addressed elsewhere)

Overview

Table 10: Summary of Officer Recommendations for Key Issue 4

Provision(s)	Officer Recommendation(s)
Definition of 'Papakāinga Development'	Remove reference of the word "development" in definition title to 'Papakāinga' and include "home occupations" in the wording.
Definition of 'General Title Land (In Relation to Papakāinga Development)'	Remove reference of the word "development" in definition title to 'General Title Land (In Relation to Papakāinga)'.
Sections 2.1-2.5 Objectives and Policies	Retain as notified.
Cross Referencing Table	Retain as notified.

Provision(s)	Officer Recommendation(s)
Issues 2.7.1-2.7.5	Retain as notified.
Paragraphs situated between the 2.7 Issues and Objectives	Amend paragraph that contains reference to 'economic, social and cultural wellbeing' to include "which contributes to positive health outcomes for Māori".
Objective 2.7.8	Amend wording to include "and use of whenua".
Section 2.7 Explanation of Policies	Amend wording to include reference to "whakapapa/ancestral connection" and "Council will also rely on the advice of iwi authorities for confirmation of an applicant's whakapapa/ancestral connection".
'papakāinga development' and 'papakāinga housing' in Section 1-6 and Section 20	Remove all reference of the word "development" and "housing" where it corresponds with 'papakāinga' throughout the PDP.
Section 20.5.5 assessment matter	Amend wording for applications on general title land.
Sections 3-6 Matters of control for papakāinga development on land held under TTWMA	Retain as notified.

Analysis of Submissions on Key Issue 4

Matters raised in submissions

133. A number of submission points were related to matters other than those discussed in the previous key issues. These submissions have been grouped into further sub-topics:
- a) General Support;
 - b) Definitions;
 - c) Objectives and Policies;
 - d) Wording;
 - e) Health and Wellbeing;
 - f) Resource Consent Information Requirements and Assessment Matters;
 - g) Matters of Control;
 - h) Notification Process.
134. I summarise and analyse each one of the submission points in the sub-topics below.

General Support

Submission

135. Health New Zealand / Te Whatu Ora (S4.4) seek to retain the increased provision for papakāinga development as notified in PC3.

136. Petrus Johannes Franciscus Rodeka (S8.1) seeks updates to the ODP provisions through the following amendments:

"Update the operative Papakāinga Development provisions to better support Iwi aspirations for Papakāinga Development, including definitions, objectives and policies, and zone-based rule frameworks."

137. Petrus Johannes Franciscus Rodeka (S8.3) seeks that the South Taranaki District Council adopt the proposed plan changes.

Analysis

138. The submissions by Petrus Johannes Franciscus Rodeka (S8.1 and S8.3) and Health New Zealand / Te Whatu Ora (S4.4) express support for PC3 as a whole and my interpretation of their requests is that the PC3 provisions achieve the relief sought. At this stage, because these submitters do not request any specific changes to the notified provisions, I recommend no changes in regard to their submissions. However, I will consider any specific wording amendments that these submitters may provide in hearing evidence.

Recommendation

139. I recommend the submissions by Health New Zealand (S4.4) and Petrus Johannes Franciscus Rodeka (S8.1 and S8.3) be accepted and the provisions retained as notified.

Section 32AA Evaluation

140. No change to the provisions is recommended. On this basis, no evaluation under Section 32AA is required.

Definitions

Submission

141. Health New Zealand / Te Whatu Ora (S4.1) seeks that the definition of Papakāinga Development is clear and is amended to incorporate a broad understanding of what papakāinga and 'home' represent to Māori.

142. Kāinga Ora have also sought (S5.4) that the definition of 'papakāinga development' be amended to provide for education, home-based business and associated commercial activities because these provide for Māori social, economic and cultural wellbeing.

Analysis

143. The definition of Papakāinga Development, as notified and with amendments recommended in paragraph 109 reads:

PAPAKĀINGA DEVELOPMENT: means the ~~integrated~~ development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993) or general title land that is ancestral land.

144. Te Whatu Ora has not provided any specific suggested wording amendments to support their submission (S4.1). I note the definition of papakāinga has been developed in consultation with the Ngā Kaitiaki group who provided input into the PC3 provisions prior to notification, and as part of those discussions, it was understood that the definition was appropriate. At this stage, I do not recommend any specific changes to the definition in response to Te Whatu Ora's submission S4.1 but will consider any specific wording amendments that Te Whatu Ora provides in hearing evidence.

145. In response to Kāinga Ora's submission S5.4 I consider that it is appropriate to include home occupation within the definition of papakāinga because:

- a) Home occupations are incidental and secondary to the residential use of a property.
- b) The definition itself includes limitations on hours and employees within the definition of 'home occupation' to manage the scale of these activities, and their potential environmental effects. Therefore, the potential for home occupation associated with a papakāinga to generate adverse effects on the environment is considered low; and
- c) Home occupations are permitted in the rural environment under the ODP framework up to 50m² per site, therefore considering a home occupation as part of a papakāinga is generally consistent with the approach for home occupation for general residential activities more generally.
- d) Allowing home occupations at papakāinga would help to provide opportunities for social, economic and cultural wellbeing for tāngata whenua.

146. I do not support adding 'commercial activities' to the definition of papakāinga because:

- a) Commercial activities encompass a broad range of activities, many of which are generally not anticipated in the Rural or Residential Zones, and they have the potential to generate adverse effects (depending on intensity, scale, traffic and access, noise, lighting and hours of operation).

- b) There is a consenting pathway (discretionary activity status under the zone rules¹²) to consider whether a commercial activity is appropriate in nature and scale for a particular site and context.

Recommendation

147. For the above reasons I recommend that:

- a) Health New Zealand / Te Whatu Ora’s submission (S4.1) is rejected.
- b) Kāinga Ora’s submission (S5.4) is accepted in part and the definition of papakāinga is amended to include ‘home occupations’, but not ‘commercial activities’.

Section 32AA Evaluation

148. The recommended change to include ‘home occupation’ within the definition of papakāinga is appropriate for the reasons stated in paragraph 145 above, and creating more certainty that a home occupation can be associated with papakāinga aligns with Section 2.7 objectives and policies.

Objectives and Policies

Submission

- 149. Te Korowai o Ngāruahine Trust (S3.6) seek amendments to sections 2.1-2.4 within Section 2: Objectives and Policies to accurately reflect the tāngata whenua context in these environments.
- 150. Te Korowai o Ngāruahine Trust (S3.7) seek amendments to the cross-referencing table for sections 2.1-2.4 to accurately reflect the tāngata whenua context in these environments.
- 151. Ngāti Hāua Hapū (S7.7) seek amendments to sections 2.1-2.5 within Section 2: Objectives and Policies and the cross referencing table to recognise and provide for their relationship with ancestral lands and activities (including papakāinga) and align with the tāngata whenua objectives and policies.
- 152. Ngāti Hāua Hapū (S7.8) seek amendments to Issues 2.7.1-2.7.5 to acknowledge that development for iwi and hapū is not limited to marae and papakāinga.
- 153. Ngāti Hāua Hapū (S7.8) also seek further amendments to the commentary that follows the issues as a result of consequential amendments to definitions and rule frameworks outlined in other submissions.
- 154. Ngāti Hāua Hapū (S7.9) seek amendments to the wording of Objective 2.7.8 (proposed amendment underlined for clarity):

¹² Rule 3.1.4(g) in the Rural Zone

“Objective 2.7.8 – should the objective include development and use of whenua.”

155. Ngāti Hāua Hapū (S7.9 and S7.10) also sought clarification in relation to the objectives and policies in Section 2.7: “It is unclear what weighting is given to objectives and policies in the assessment of a restricted discretionary, and clarification is sought as to whether the tangata whenua objectives would be given more weight than the zone objectives and policies.”
156. Kāinga Ora (S5.10) sought amendments to the Explanation of Policies in section 2.7 for a focus on whakapapa instead of evidence of historic titles, worded as follows:

“Amend as follows: Provision is made for papakāinga on General Title Land in the District Plan where applicants can demonstrate long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapū and whānau long-term. In these cases, demonstrating whakapapa evidence such as historic titles that shows the land has been held in whānau ownership, and or holding the land in a Trust can be utilised.”

Analysis

157. I acknowledge the submissions from Te Korowai o Ngāruahine Trust (S3.6) and Ngāti Hāua Hapū (S7.7) that sought amendments to additional sections in Section 2: Objectives and Policies of the PDP. These sections include:
- a) Section 2.1 Rural Zone;
 - b) Section 2.2 Residential Zone;
 - c) Section 2.3 Township Zone;
 - d) Section 2.4 Commercial Zone;
 - e) Section 2.5 Industrial Zone.
158. Part of the submissions by Ngāti Hāua Hapū (S7.9, S7.10) also sought clarity of the weighting of objectives and policies in Section 2.7 of the District Plan against underlying zone objectives and policies.
159. No amendments were proposed in these sections as part of PC3. The issues, objectives, policies and additional content in Section 2.7 Tāngata Whenua are intended to apply District-Wide to activities undertaken by tāngata whenua in any zone or environment. When an activity such as papakāinga development is being considered as part of a restricted discretionary resource consent, the applicable objectives and policies would be considered to the extent that they are relevant to a matter of discretion. In many cases, this would include the provisions in Section 2.7 and may include the provisions for the underlying zone (e.g. sections 2.1-2.4), particularly if the development exceeds the bulk and location standards. The provisions in the District Plan chapters are to be read together as relevant when

assessing a particular proposal. Each application would be assessed individually according to its own circumstances in accordance with s104 RMA. For these reasons, no changes are recommended for sections 2.1-2.5.

160. The submission by Te Korowai o Ngāruahine Trust (S3.7) requested changes to the cross referencing table. As part of PC3, changes were only made to the Tāngata Whenua topic in the cross referencing table to reflect the notified amendments to Section 2.7 Tāngata Whenua; no changes were proposed to sections 2.1-2.4 as part of PC3. I do not recommend any changes to sections 2.1-2.4 for the reasons stated in paragraph 159 above. As such, no change is necessary for the cross referencing table for the Rural Zone, Residential Zone, Township Zone, and Commercial Zone topics that correspond with sections 2.1-2.4 of the PDP. If my recommendations are accepted by the Hearing Panel, amendments in the cross referencing table are only necessary for the Tāngata Whenua topic and the corresponding columns for this topic.
161. The submission by Ngāti Hāua Hapū (S7.8) sought amendments to the issues and commentary following the issues in Section 2.7 Tāngata Whenua. In response to their request, I note that Issue 2.7.5 uses marae and papakāinga as examples; the wording does not restrict development by iwi, hapū and whānau to solely these uses. For context, Issue 2.7.5 is provided below:
- 2.7.5 Providing for development by iwi, ~~and~~ hapū and whānau (e.g. Marae, papakāinga housing) that enhances their social, cultural and economic well-being while sustainably managing the environment.*
162. I also note that because Section 2.7 Tāngata Whenua recognises development by iwi, hapū and whānau is not restricted to marae and papakāinga developments, I do not recommend any changes to the Issues in Section 2.7 of the PDP.
163. Submission 7.8 also requested amendments to the commentary as a result of consequential amendments to definitions and rule frameworks outlined in other submissions. The commentary that follows below the issues in section 2.7 describes Council obligations in regard to planning alongside the tāngata whenua of South Taranaki. This includes recognising and providing for the relationship of Māori with their ancestral lands as a matter of national importance under the RMA and the importance for Māori to maintain their traditional association with the land whilst enabling the efficient use and appropriate development of their land to provide for their economic, social and cultural wellbeing.
164. No wording was provided in the submission, which makes the amendments sought unclear. However, I note that other requests sought by the submitter (S7.2-S7.6) include amendments to definitions to encompass the submitter's relationship with their ancestral lands and how their whenua can be used. These requests (S7.2, S7.3, S7.5 and S7.6) have been addressed in Key Issue 1: Ancestral land vs land owned by tāngata whenua and Key Issue 2: Pathways for papakāinga on land not held under Te Ture Whenua Māori Act, which contain recommendations for various amendments that relate to ancestral land and the papakāinga development definition.

165. The commentary between the Issues and Objectives in Section 2.7 contains the following new wording introduced by PC3:

It is also recognised that much ancestral land occupied by iwi, hapū and whānau is held under General Title status. Opportunities to develop papakāinga housing on these lands are also provided for within the District Plan for Māori to enable development of ancestral lands in accordance with tikanga Māori, regardless of land status.

166. I consider this commentary within Section 2.7 of the PDP aligns with the recommendations in Key Issues 1 and 2 and is reflective of the request sought by S7.8. Accordingly, I recommend no changes are made to the Section 2.7 Issues or the commentary that follows.

167. Ngāti Hāua Hapū (S7.9) also sought amendments to the wording of Objective 2.7.8 to reference the use of whenua, which would read (recommended amendments in blue):

2.7.8 To recognise and provide for development and use of whenua by Iwi, ~~and~~ hapū and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.

168. The purpose of PC3 is to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the environment. To fulfil this purpose, the identified resource management issues needed to be addressed, with one such issue identified in Section 4.1 of the Section 32 Report being that the existing provisions within the ODP no longer reflect the development aspirations of tāngata whenua (Issue 1). The proposed provisions aim to make it easier for tāngata whenua to use their whenua by undertaking papakāinga developments if they wish to, however, the use of whenua is not wholly restricted to developing papakāinga on the land.

169. The intent of the Section 2.7 objectives (e.g. Objective 2.7.6 and Objective 2.7.8) is to support activities on land by tāngata whenua, provided that environmental effects are managed. Although the wording of the objectives does not explicitly reference 'land use', I note that the intent is expressed in the paragraphs that follow the Section 2.7 Issues, such as the following description:

"Tāngata Whenua have a special relationship to the land and environment. The District Plan needs to address this relationship by managing the effects of land uses on land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga. In addition, it is important for Iwi and hapū to be able to maintain their traditional association with the land, whilst enabling the efficient use and appropriate development of their land to provide for their economic, social and cultural wellbeing. Certain land uses may be appropriate on Māori Land, such as Papakāinga housing and Marae, given the different title structure of Māori land."

170. I also note that the papakāinga development definition encourages a broad range of uses in the wording of the definition, these being “Marae, supporting cultural information/tourism centres and other community building and recreation facilities”, and home occupations (as recommended in the Definitions sub-topic above).
171. In considering the above in regard to S7.9, I consider it would be appropriate to amend Objective 2.7.8 to include reference to “use of whenua” to better reflect this objective’s intent. The suggested change would reflect not only the description specified in paragraph 169 above, but also be reflective of the wider range of uses expressed in the papakāinga development definition.
172. Kāinga Ora (S5.10) sought amendments to the notified changes made in the Explanation of Policies subsection within Section 2.7; proposing wording changes to focus on the demonstration of whakapapa instead of historic titles.
173. The notified version of PC3 proposed amendments to correspond with the following provisions:
- a) The ANCESTRAL LAND and GENERAL TITLE LAND (IN RELATION TO PAPAKĀINGA DEVELOPMENT) definitions;
 - b) Policy 2.7.18;
 - c) The additional matters of discretion and advice note for the papakāinga developments on general title land rules in Sections 3-6;
 - d) The assessment matters contained in section 20.5.5(f) of the PDP.
174. The new paragraph contained in the Explanation of Policies subsection has been added to provide context behind proposed Policy 2.7.18 which relates to the new pathway provided for papakāinga development on general title land. The explanation describes a mechanism through which Council may seek evidence from applicants in demonstrating long-term ownership of the land, this being historic titles, to correspond with the provisions outlined in paragraph 173 above.
175. I agree that demonstrating whakapapa is important to Policy 2.7.18 and the other provisions outlined above to indicate the applicant’s ancestral connection to the land. However, I consider it is also important to retain the existing wording for the reasons expressed above. Therefore, I recommend that the request be accepted in part, by amending the paragraph as follows:
- Provision is made for papakāinga on general title land in the District Plan where applicants can demonstrate whakapapa/ancestral connection and long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapū and whānau long-term. In these cases, evidence such as historic titles that shows the land has been held in whānau ownership, and or holding the land in a Trust can be utilised. Council will also rely on the advice of Iwi authorities for confirmation of an applicant’s whakapapa/ancestral connection.*

Recommendation

176. In regard to the above analysis, I recommend that:
- a) The submissions by Te Korowai o Ngāruahine Trust (S3.6) and Ngāti Hāua Hapū (S7.7) are rejected for the reasons outlined above, as no changes are recommended for sections 2.1-2.5.
 - b) The submission by Te Korowai o Ngāruahine Trust (S3.7) is rejected, and that no change to the cross referencing table are made beyond the proposed changes as notified.
 - c) The submission by Ngāti Hāua Hapū (S7.8) is rejected, with no change to the Section 2.7 Issues or the section that follows made beyond the proposed changes as notified.
 - d) Submissions 7.9 and 7.10 by Ngāti Hāua Hapū where they sought clarification in relation to the objectives and policies in Section 2.7, are accepted in part insofar as I provide a response to their request for clarity, though no changes to the provisions are recommended.

177. I recommend that submission 7.9 by Ngāti Hāua Hapū where they sought amendments to the wording of Objective 2.7.8 be accepted in part, with amendments to Objective 2.7.8 (shown in blue underlined text below) to clarify intent and reflect the wider range of uses expressed in the papakāinga development definition.

2.7.8 To recognise and provide for development and use of whenua by Iwi, ~~and~~ hapū and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.

178. I recommend that submission S5.10 by Kāinga Ora is accepted in part, with amendments to the new paragraph outlined in the Explanation of Policies section (shown in blue underlined text below) to achieve better integration between the recommended provisions:

Provision is made for papakāinga on general title land in the District Plan where applicants can demonstrate whakapapa/ancestral connection and long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapū and whānau long-term. In these cases, evidence such as historic titles that shows the land has been held in whānau ownership, and or holding the land in a Trust can be utilised. Council will also rely on the advice of Iwi authorities for confirmation of an applicant's whakapapa/ancestral connection.

Section 32AA Evaluation

179. The recommended amendments are more appropriate than the notified provisions because they achieve greater consistency in terminology and integration between

the definitions, objectives, policies, methods and rules, which aids with plan interpretation and implementation (and reduces costs and risks associated with ambiguity and inconsistent interpretation).

180. Further, the recommended amendments to Objective 2.7.8 reflect the intent of PC3 in that they better support the aspirations of tāngata whenua and are considered more appropriate than the notified objective in achieving the purpose of the RMA, specifically recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands (S6(e) RMA).

Wording

Submission

181. Ngāti Hāua Hapū (S7.2) requested consistent use of te reo Māori to be utilised in the Plan.
182. Ngāti Hāua Hapū (S7.20) seeks that the word ‘development’ be removed from the title of PC3 and throughout provisions of the plan when referencing Papakāinga.
183. Ngāti Hāua Hapū (S7.20) also seek the removal of the word ‘housing’ where it follows Papakāinga throughout the plan.

Analysis

184. Part of the request by Ngāti Hāua Hapū (7.2) sought the consistent use of te reo Māori to be utilised in the Plan.
185. Te reo Māori is an official language of New Zealand and is becoming more commonly used in planning documents typically in introductory sections (such as including whakataukī in te reo Māori at the beginning or certain chapters of a plan). Terms in te reo Māori are commonly found in the definitions section of the plan and are defined in English, which is seen in the PDP within various definitions, such as the Marae, Papakāinga Development and tikanga Māori definitions because these are te reo Māori terms. These terms may then be found in other sections of the plan where the activity corresponds with an objective, policy or rule, which is the case for these three terms in the PDP.
186. I note that ‘Ancestral Land’ is an English term, and I understand that its intent and use within the PDP is to relate to the te reo Māori term ‘whakapapa’, meaning genealogy. The matter of consistency raised by S7.2 for this term specifically has been assessed in Key Issue 1: Ancestral land vs land owned by tāngata whenua, which contains recommendations to amend the definition to clarify its intent and achieve the intended outcome in a more efficient and effective manner.
187. I consider that both ‘Marae’ and ‘tikanga Māori’ are terms where the words themselves and their uses are consistent throughout the Plan however, the term ‘papakāinga’ has inconsistent combinations of wording and uses. This is seen in the following chapters of the PDP as summarised in Table 11:

Table 11: Summary of Papakāinga Terminologies used in the PDP

Section of PDP	'Papakāinga' Terminology Used
Section 1: Introduction and Definitions	'papakāinga development'.
Section 2: Objectives and Policies	'papakāinga housing', 'papakāinga development' and 'papakāinga'.
Section 3: Rural Zone Rules	'papakāinga development', 'papakāinga housing' and 'papakāinga'.
Section 4: Residential Zone Rules	'papakāinga development' and 'papakāinga'.
Section 5: Township Zone Rules	'papakāinga development' and 'papakāinga'.
Section 6: Commercial Zone Rules	'papakāinga development' and 'papakāinga'.
Section 20: Resource Consent Information Requirements and Assessment Matters	'papakāinga development and redevelopment' and 'papakāinga housing'.

188. These inconsistencies correlate with the requests sought by the submitter in S7.20. To assess whether it may be appropriate to remove the words that follow 'papakāinga', I investigated other terms within the PDP that utilise the combination terminologies as containing '... development' and '... housing'. I also investigated other district plans containing papakāinga content to assess their usage of the term as a definition and throughout the plan. The district plans assessed included those adjacent to this district (New Plymouth, Stratford and Whanganui) and those that were investigated in section 4.2.2 of the Section 32 Report (Kāpiti Coast, Hastings and West Coast Councils). Table 12 below contains a summary of the content of this investigation.

Table 12: Summary of Specific Terminologies used in District Plans

District Plan	Terminology used	Section(s) of Plan
South Taranaki Proposed District Plan	'residential development', 'commercial development', 'industrial development'. 'residential housing'.	Section 2 (sections 2.2, 2.19 and 2.21). Sections 3-6.
New Plymouth Proposed District Plan (Appeals Version)	Definition: 'papakāinga'. Consistent use of the term 'papakāinga' only.	Definitions, Zones, Schedules 3, 11, 12.
Stratford District Plan	Definition: 'papakāinga'. Consistent use of the term 'papakāinga' only.	Definitions, Policies, Rules
Whanganui District Plan	Definition: 'papakāinga'. Slightly inconsistent use of the terms 'papakāinga' and 'papakāinga development'. Noted where 'development' is used in combination with 'papakāinga', the extension of the word 'development' where used has its own definition in the plan.	Definitions, Part 1 General Provisions (Tangata Whenua and Papakāinga – Policies and Rules)
Kāpiti Coast District Plan	Definition: 'papakāinga'. Slightly inconsistent use of the terms 'papakāinga' and 'papakāinga development'.	Definitions, Zone Rules, Objectives and Policies, Schedule 9

District Plan	Terminology used	Section(s) of Plan
	Noted where 'development' is used in combination with 'papakāinga', the extension of the word 'development' where used has its own definition in the plan. Noted: Definitions also contain definitions for 'general title land (in relation to papakāinga)'.	
Hastings District Plan	Definition: 'papakāinga'. Very inconsistent combinations are utilised, these being 'papakāinga', 'papakāinga developments', 'papakāinga housing' and 'papakāinga housing development'. Noted: 'papakāinga housing' is only used for specific policies that discuss land with marae and seek to also enable housing needs. Noted: Definitions also contain a definition for 'papakāinga accessory building'.	Definitions, Zone Rules, Objectives and Policies
Te Tai o Poutini Plan (West Coast Councils)	Definition: 'papakāinga'. Very inconsistent combinations are utilised, these being 'papakāinga', 'papakāinga developments' and 'papakāinga housing'. Noted: 'papakāinga housing' is only used for specific policies that seek to enable housing needs.	Definitions, Zones (Rules and Policies)

189. Considering the information above, it is evident that inconsistencies of the te reo Māori term 'papakāinga' are not uncommon between other councils, however, I consider that there are benefits in amending the various wording used for 'papakāinga' for improved consistency and integration with defined terms. These being the definition of 'papakāinga development', and the use of 'papakāinga housing', because:

- a) This approach would improve consistency and would be more consistent with the definition and approach used in district plans of other councils.
- b) The term 'papakāinga housing' is not used regularly throughout the PDP or by other councils. The purpose of its use within the PDP is also unclear given that its usage in Section 2.7 Tāngata Whenua does not have a specific focus on only housing provision and papakāinga is considered to have a broader meaning when used throughout the Plan.

190. In response to the above submissions, I recommend they are accepted in part by deleting any reference to the term 'papakāinga housing' in the PDP, and to amend the 'papakāinga development' definitions to 'papakāinga'. This recommended change requires consequential amendments throughout the District Plan to consistently refer to 'papakāinga' rather than 'papakāinga development' or 'papakāinga housing'.

Recommendation

191. In regard to the above analysis, I recommend the submissions by Ngāti Hāua Hapū (S7.2 and S7.20) are accepted in part by amending the definitions of ‘Papakāinga Development’ and ‘General Title Land (In Relation to Papakāinga Development)’ by removing the word “development” and deleting “development” and “housing” where it directly corresponds with “papakāinga” throughout the PDP.

Section 32AA Evaluation

192. I consider that the changes recommended above would improve consistency of the use of the term ‘papakāinga’ where it is used throughout the PDP because this approach would be more consistent with similar terms relating to papakāinga used within the district plans of other councils and would match the terms contained within the Definitions section of the PDP where they relate to papakāinga.

Health and Wellbeing

Submission

193. Health New Zealand / Te Whatu Ora (S4.2) seeks that there is a focus on increasing health and wellbeing outcomes when the provisions of PC3 are applied to applications for developments, including addressing social determinants of health and increasing the availability of healthy housing for Māori as well as enabling Māori whānau and hapū to live in a way that reflects their own priorities and aspirations.
194. Health New Zealand / Te Whatu Ora (S4.3) seeks the creation of a communication plan associated with this plan change so that residents, whānau, iwi and hapū are aware of the opportunities for development that may be available to them. The submitter seeks this change to protect and enhance wellbeing and public health.

Analysis

195. Issue 2.7.5 and Objective 2.7.8 in the PDP relate to the request sought by S4.2 as these correspond with wellbeing:

2.7.5 Providing for development by Iwi, ~~and~~ hapū and whānau (e.g. Marae, papakāinga housing) that enhances their social, cultural and economic well-being while sustainably managing the environment.

2.7.8 To recognise and provide for development by Iwi, ~~and~~ hapū and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.

196. I recognise that applications for development by iwi, hapū and whānau, such as papakāinga, could provide for social, economic and cultural wellbeing as intended by Objective 2.7.8 through the notified provisions in the following ways:

- a) As identified in Section 8.1.1 of the Section 32 Report, enabling papakāinga may lead to enhanced social connections and wellbeing as whānau live closer to one another, creating a sense of community.

- b) Provisions that enable papakāinga development allow iwi, hapū and whānau to develop their land in accordance with Tikanga Māori.
- c) More permissive provisions for papakāinga development may result in the complete avoidance of planning fees for permitted activities, or reduced fees for those undertaking the activity under the new proposed controlled and restricted discretionary pathways.
- d) Papakāinga development leads to more housing for iwi, hapū and whānau; addressing housing needs that are part of the social determinants of health.

197. Through PC3, the notified provisions are more enabling of papakāinga development which would contribute to better health outcomes for Māori and provide for the social determinants of health as sought by the submitter. However, I also note that the narration directly following the Issues in Section 2.7 contains the following description relating to Objective 2.7.8 above:

“...it is important for Iwi and hapū to be able to maintain their traditional association with the land, whilst enabling the efficient use and appropriate development of their land to provide for their economic, social and cultural wellbeing.”

198. I note that the use of this wording also directly corresponds with the wording used in Section 5(2) of the RMA, excepting the words “health and safety”. Should this narration be amended to indicate how health is positively affected as a result of providing for these aspects of wellbeing, I consider this would provide greater alignment with Section 5(2) of the RMA.

199. I acknowledge the request by S4.3 and note that Council intends to prepare a ‘Papakāinga Toolkit’ to immediately follow PC3. The purpose of the toolkit will be to help Māori landowners understand the District Plan rules and navigate the process for undertaking papakāinga development on their lands, which in my opinion would achieve the outcome sought by the submitter.

Recommendation

200. I recommend that the submission by Health New Zealand / Te Whatu Ora (S4.2) is accepted in part, with amendments (shown in blue underlined text below) to a narration between the Issues and Objectives in Section 2.7 Tāngata Whenua to indicate how health is positively affected as a result of providing for these aspects of wellbeing through PC3.

...it is important for Iwi and hapū to be able to maintain their traditional association with the land, whilst enabling the efficient use and appropriate development of their land to provide for their economic, social and cultural wellbeing-, which contributes to positive health outcomes for Māori.

201. I recommend the submission by Health New Zealand / Te Whatu Ora (S4.3) is accepted and a document that covers the papakāinga development process (i.e. a Papakāinga Toolkit) is created. It will be a non-statutory document that is used for guidance, separate from the plan change.

Section 32AA Evaluation

202. The amendment recommended is considered appropriate because it expands on the context of the Issues, Objectives and Policies in Section 2.7, allowing these provisions to be better understood; and the added wording aligns with Section 5(2) of the RMA.

Resource Consent Information Requirements and Assessment Matters

Submission

203. Kāinga Ora (S5.30) seeks that the reference to maintenance of the land title be deleted from the assessment matters, as follows:

20.5.5 Marae and Papakāinga Development

(f) For applications on general title land, whether evidence of an ancestral connection to the land ~~and maintenance of the land title~~ has been demonstrated.

Appropriate legal mechanisms to demonstrate this may include:

- (i) Historic Record of Titles.*
- (ii) Managing the land via a Trust.*

204. The submitter requests this amendment as they consider that land title is a private matter and is an inappropriate matter for Council to assess as part of a resource consent.
205. Ngāti Hāua Hapū (S7.18) seek clarity on Section 20: Resource Consent Information Requirements and Assessment Matters on how the section is utilised and for amendments to ensure the provision of expert advice of tāngata whenua to inform resource consent applications.

Analysis

206. In response to Submission S5.30, maintenance of the land title is necessary to ensure the activity occurs in accordance with Policy 2.7.18.
207. It is possible that the wording of the assessment matter 20.5.5 may have led to an interpretation error by Kāinga Ora. Maintenance of the land title refers to the applicant’s intention to retain long-term Māori ownership of the land, rather than maintenance of physical features on the property itself. To avoid future

interpretation issues, clarify intent, and achieve consistency with Policy 2.7.18, I recommend amending the assessment matter as follows:

For applications on general title land, whether the land is ancestral land, evidence of an ancestral connection to the land and whether the land will remain in Māori ownership in the long-term. maintenance of the land title has been demonstrated.

208. Paragraphs 26 and 27 within the legal advice from Simpson Grierson, appended as **Appendix 4** to this report, have confirmed that:

the Council has a legitimate reason for including the assessment matter (20.5.5) in this case. The purpose of the rules is to achieve the objectives of the plan, and the relevant objectives seek to ensure that the papakāinga development pathways are genuinely used for papakāinga development. The type of land title is a key qualifying feature used in the papakāinga provisions.

Conversely, it is in keeping with the purpose of those rules to set reasonable boundaries to ensure that the permissive pathway is only used for development that will be used for papakāinga over the life of the development. Maintenance of the qualifying land title relates to the purpose of the rules, as well as to the Council's function of managing the effects of the use, development, or protection of land.

209. In response to S7.18, Section 20 is used to inform applicants of the information that needs to be included in a consent application, and the assessment matters help to guide the Council to assess environmental effects. The new assessment matters in Section 20.5.5 provide guidance to the applicant and processing planner that the activity is in accordance with the relevant objectives and policies, specifically Objective 2.7.11 and Policy 2.7.18.
210. The proposed approach, demonstrating appropriate mechanisms to secure long-term Māori ownership of the land title, is similar to the district-wide approach taken for papakāinga provisions in district plans by other councils including Hastings District Council, Whangārei District Council, Kāpiti Coast District Council, Porirua District Council and Nelson City Council.
211. The landowners essentially have the option to either convert the land to Māori freehold land or demonstrate that land will be held in long-term Māori ownership by legal mechanism. For general title land, I would expect that a condition of the land use consent would be that an encumbrance is to be registered on the title, acceptable to and enforceable by the Council, to ensure that the land will remain in long-term Māori ownership.
212. The land could be vested in a Trust, constituted under Part 12 TTWMA whose authority is defined in a Trust Order or other empowering instrument which will ensure that the land remains vested in the trustees or the incorporation without power of sale; and the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust. As above, the legal mechanism would be an encumbrance to be registered on the title to ensure long-term Māori ownership.

213. Ngāti Hāua Hapū also sought amendments to the assessment matters referred to above, to ensure expert advice by tāngata whenua is used to inform resource consent applications. I consider that the 'Note' provided under each proposed Restricted Discretionary rule for papakāinga developments on general title land already achieves this outcome. This note explains that Council will obtain advice on whakapapa/ancestral connection and any other matter related to tikanga Māori from the relevant iwi authority.

Recommendation

214. I recommend that submission S5.30 is accepted in part and the assessment matter 20.5.5 is amended to clarify its intent as shown in paragraph 207 above.
215. With regard to the above analysis, I recommend submission 7.18 by Ngāti Hāua Hapū is accepted in part, insofar as the relief sought is already achieved in the notified version of provisions.

Section 32AA Evaluation

216. I consider that the recommended amendments to Assessment Matter 20.5.5 are the most appropriate way to achieve the purpose of the RMA because the changes clarify the intent, assist with effective implementation of the provisions, and achieve consistent integration and alignment with the provisions.

Matters of Control

Submission

217. Kāinga Ora (S5.13, S5.17, S5.22, S5.27) considers that the 'matters of control' for papakāinga development on land held under TTWMA, where the proposal does not comply with the performance standards, in each zone, should not include "effects on character and amenity values" and other related matters. Kāinga Ora consider that some of the matters of control¹³ are too broad, which creates uncertainty for applicants and provides Council with too much discretion for a controlled activity.

Analysis

218. I disagree with Kāinga Ora. The matter of control to consider effects on character and amenity values is important to allow Council to consider the effects of a papakāinga development failing to comply with the maximum height, bulk and location standards. I note that papakāinga development is exempt from the maximum number of dwelling units in the Rural Zone and therefore the performance standards that apply are generally limited to the Bulk and Location Standards in Section 3.2.2 (maximum height and setbacks from boundaries or other activities). The provisions for papakāinga on land held under TTWMA across all of the zones are enabling and they apply to all land held under TTWMA which equates to 6.22% of the land in the South Taranaki district. For applications that infringe

¹³ 3.1.2(a)(ii), 4.1.2(a)(ii), 5.1.2 (a)(ii), 6.1.2(a)(ii)

standards, such as exceeding the maximum height or encroach on setbacks from boundaries, it is important that Council can consider the effects of these infringements, in particular the effects on character and amenity, particularly for adjacent land uses.

219. Without matters of control, Council would not be able to consider these matters. I consider that the proposed approach and matters of control strike an appropriate balance between the relationship of Māori with their ancestral lands, efficient use of land, and managing potential effects on character and amenity values for surrounding land uses.

Recommendation

220. For the above reasons, I recommend Submissions S5.13, S5.17, S5.22, S5.27 by Kāinga Ora are rejected, and no change is made to the provisions.

Section 32AA Evaluation

221. No change to the provisions is recommended. On this basis, no evaluation under Section 32AA is required.

Notification Process

Submission

222. Ngāti Hāua Hapū (S7.19) oppose the notification process of PC3. The submitter requests further submission notification processes to iwi, hapū, marae, Māori and Post-Settlement Governance Entities.

Analysis

223. Council followed the Schedule 1 RMA public notification process and, as well as publishing the Public Notice, sent out the Public Notice to landowners in combination with a timely rollout of the Council rates notices both electronically and by post. Specific notice was also made directly to each iwi entity as members of Nga Kaitiaki, to the adjacent councils (Stratford District, New Plymouth District, Whanganui District and Taranaki Regional Council) and to the Ministry for the Environment. Information was also available at various council buildings, including the reception of the main administration building in Hāwera, and at each library.
224. Council held a prehearing meeting on 23 September with representatives of Ngāti Hāua Hapū to discuss their concerns associated with submission 7.19 and to discuss consultation, engagement and notification going forward. Although Ngāti Hāua Hapū were aware of the plan change and made a submission, they expressed concern for other hapū and marae that would have missed out on the opportunity to provide a submission as these interested parties are not landowners that would receive rates notices.

225. A consensus was reached in the prehearing meeting, with members of Council involved in PC3 agreeing to directly notify marae and hapū of future plan changes where they are likely to be directly affected by the proposed plan, and to make it clear to the iwi entities part of the Nga Kaitiaki Group that Council expects plan change information to be disseminated to the relevant hapū. Council will also confirm its register of hapū and marae and their contact details.

Recommendation

226. No change to PC3 provisions is recommended in relation to this Submission S7.19. I recommend this submission point be accepted in part.

Section 32AA Evaluation

227. No change to the provisions is recommended. On this basis, no evaluation under Section 32AA is required.

7 Conclusion

228. This report has provided an assessment of submissions received in relation to PC3. The primary amendments that I have recommended relate to:
- a) Amendments to several provisions, including definitions, objectives, policies and rules, to clarify the intent of the term ‘ancestral land’, reduce the potential for unintended consequences and achieve better integration and consistency between the provisions and the definitions (in relation to ancestral land).
 - b) Various amendments in Section 2.7 Tāngata Whenua, including:
 - (i) Changes to the wording of Objective 2.7.8 to refer to development “and use of whenua”.
 - (ii) Amendments to a paragraph in the Explanation of Policies to achieve better consistency between the provisions and definitions (in relation to ancestral land and papakāinga on general title land).
 - (iii) Additional wording in the explanation of the issues to reference how activities that provide for the economic, social and cultural wellbeing of iwi and hapū can lead to “positive health outcomes” to expand on the context for Section 2.7 Issues, Objectives and Policies, and align better with Section 5(2) RMA.
 - c) Deletion of the definition of ‘Papakāinga Development on General Title Land’ to simplify the framework.
 - d) Amending the definition of ‘General Title Land (In Relation to Papakāinga Development)’ to clarify which land types are not considered general title land.

- e) Adding “home occupation” to the definition of ‘Papakāinga’.
- f) Consistent reference to “papakāinga” rather than “papakāinga development” or “papakāinga housing” throughout the District Plan.
- g) Amendments to assessment matter 20.5.5 for applications on general title land to clarify intent, achieve consistency between provisions and avoid future interpretation issues.

229. Section 6.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on PC3 should be accepted, accepted in part, or rejected, as set out in my recommendations of this report and in Appendix 2.

230. I recommend that provisions be amended as set out in Appendix 1.1-1.7 below for the reasons set out in this report.

Recommended by: Sarah Capper-Liddle, Planner, South Taranaki District Council

Approved by: Liam Dagg, Group Manager Environmental Services, South Taranaki District Council

Date: 31 January 2025

APPENDIX 1.1 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
- The recommended changes in response to submissions are shown with blue underline for new text and ~~blue strikethrough~~ for deleted text.

SECTION 1: INTRODUCTION AND DEFINITIONS

1.1 PURPOSE OF THE DISTRICT PLAN

The South Taranaki District Plan (the District Plan) contains policies and rules about how the people of the South Taranaki can use and develop land and property within our district. It is a legal document that is purposely drafted to reflect the South Taranaki community and their environment. It seeks to manage natural and physical resources that are important in the district and to ensure that environmental qualities and values are safeguarded for future generations to enjoy.

The District Plan is prepared by the South Taranaki District Council in response to its obligations under the Resource Management Act 1991 (referred to in this document as "the RMA" or "the Act"). The RMA is the legislation that manages use, development and protection of land and other natural and physical resources in New Zealand. In line with this legislation, the District Plan contains a framework of Objectives, Policies and Methods of Implementation (for example rules) to manage the use and development of land and other physical or natural resources of the South Taranaki District. Given the important and wide-reaching role that the District Plan has in decision making, it is required to be reviewed every 10 years.

1.2 STATUTORY REQUIREMENTS OF THE PLAN

1.2.1 RESOURCE MANAGEMENT ACT

The Resource Management Act 1991 defines natural and physical resources to include 'land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures'.

The purpose, function and contents of the District Plan are directed towards achieving the purpose of the RMA (defined by Part 2), which is 'to promote the sustainable management of natural and physical resources' (under Section 5 of the RMA).

Section 6 of the RMA also places a duty on the Council to recognise and provide for a range of matters of National Importance, and Section 7 identifies other matters which the Council must have regard to in

exercising its functions and powers under the RMA. Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi.

Section 31 of the RMA sets out the functions that territorial authorities have in terms of how the RMA is put into effect. The Plan has been prepared in accordance with the process defined in Section 32 of the Act.

1.2.2 RELATIONSHIP WITH OTHER PLANS AND POLICIES

The RMA requires integrated management of the environment and as such, the District Plan is prepared within a hierarchy of policy statements and plans that, together with the RMA, form the statutory context for plan making. The intention of the RMA is that these plans and documents should work together to achieve integrated management of natural and physical resources. The hierarchy these of documents and the Council's obligations to them are discussed below:

National Level

National Policy Statements: These statements are the instruments issued under Section 52(2) of the RMA and state objectives and policies for matters of national significance.

National Environmental Standards and Regulations: These are regulations issued under Sections 43 of the RMA and set technical standards relating to the use, development and protection of natural and physical resources.

The RMA requires that District Plans must give effect to National Policy Statements and must not be inconsistent with Environmental Standards. Of particular importance to South Taranaki are the national directives on coastal management, operation of the National (electricity) Grid and renewable energy which have been incorporated into the District Plan.

Regional Level

Regional Policy Statements: These documents provide an overview of resource management issues facing the region and outline policies and methods to address integrated management of the natural and physical resources across the region.

Regional Plans: These provide further policy direction and set standards on matters that are a direct responsibility of the Regional Council.

Taranaki Regional Council has produced the following Policy and Plans:

- The Regional Policy Statement for Taranaki
- The Regional Air Quality Plan
- The Regional Coastal Plan
- The Regional Soil Plan
- The Regional Fresh Water Plan

Matters of regional significance identified in the above documents include: resource use and development in Taranaki; soil loss and health; waste management; waste discharges; hazardous substances; water quality of rivers, streams, lakes and wetlands; air pollution; coastal access and protection; biodiversity; landscape and heritage values; natural hazards; minerals and energy; and transportation.

The South Taranaki District Plan must be consistent with the intent of these regional documents and as a result has specific regard to the issues identified of regional significance.

Local Level

The District Plan also has a relationship with other strategies and plans prepared by the Council and other organisations. Section 74 of the RMA requires that they too are taken into account in the District Plan. These include:

Long Term (LTP) and Annual Plans: These Plans are prepared under the Local Government Act 2002 and establish community outcomes in terms of social, cultural, economic and environmental matters, and outline the Council's responses to those in terms of budget priorities and programmes. In particular, LTPs focus on socio-economic development and infrastructure planning, whereas Annual Plans identify the nature, scope and financing of activities which the Council will undertake in the next year.

Iwi Management Plans: These provide guidance to the Council when administering activities located within areas of iwi or hapū influence. They often reflect iwi or hapū aspirations or highlight important locational resources. At the time of preparing the District Plan, the following Iwi Management Plans had been prepared:

- Ngāti Ruanui Environmental Management Plan
- Ngā Rauru Kītahi Puutaiao Management Plan

Statutory acknowledgements relating to treaty settlements: A treaty settlement is an agreement between the Crown and a Māori claimant group to settle all of that claimant group's historical claims against the Crown. Claimant groups are usually iwi or large hapū that have a longstanding historical and cultural association with a particular area. Historical claims usually relate to actions or omissions by the Crown in relation to the claimant group during the 19th and early 20th centuries, but they may include such actions or omissions up to 21 September 1992 (the date of the "Sealord" Fisheries Settlement). Claims based on Crown actions or omissions after this date are known as contemporary claims and dealt with through separate processes. The following Statutory Acknowledgements are relevant to South Taranaki:

- Ngāti Ruanui
- Ngā Rauru
- Ngāruahine
- Taranaki

Heritage New Zealand: The New Zealand Heritage List – Rārangi Kōrero, which is prepared under the Heritage New Zealand Pouhere Taonga Act 2014, lists places that are of historical or cultural significance or value. The items listed in the District Plan are derived from the New Zealand Heritage List plus additional items resulting from local research and evaluation.

Plans for Public Reserves: Within South Taranaki there are a number of Reserves administered under the Reserves Act 1977. Under this Act, the Department of Conservation and South Taranaki District Council prepare Reserve Management Plans which manage use, maintenance and access of the public land.

Conservation Management Strategy and Conservation Management Plans: These documents are prepared under the Conservation Act 1987 and cover all natural and historic resources managed by the Department of Conservation.



The purpose of these Management Plans is to manage land use activities on Public Conservation Land (PCL).

The Crown, being Department of Conservation and its agents (including contractors and volunteers) are exempted from complying with the land use rules of the District Plan when undertaking conservation activities by: Section 4(3) of the RMA. This is subject to those conservation activities being consistent with the Tongariro Whanganui Taranaki Conservation Management Strategy (or any: conservation management plan, or management plan under the Conservation Act 1987).

The exemption does not apply to activities that create significant adverse effects outside Public Conservation Land, to subdivision, or to the requirements of the Taranaki Regional Council.

Activities undertaken by a third party that require a concession from the Department Conservation to operate a commercial activity on Public Conservation Land are still required to comply with the rules of the Plan.

Cross boundary matters and other territorial authority plans: South Taranaki District Council shares its boundaries with New Plymouth District Council, Stratford District Council and Whanganui District Council.

There are some environmental issues that cross local authority boundaries and need to be managed in a coordinated and consistent manner between local authorities. The District Plan has been formulated to achieve consistency with provisions of other district plans where possible. This is particularly relevant for land uses like farming that extend across into adjoining districts. Ways in which the Council will resolve issues that cross local authority boundaries include: information sharing between Councils; notification of relevant resource consents and plan changes; coordination of submissions on regional plans and policy statements or national legislative changes; and shared resources and transfer of functions where appropriate.

Further discussion on resource consent information requirements and information sharing between local authorities is discussed below.

1.2.3 Council Waiata

Mai Taranaki, maunga ki te moana

From Taranaki, mountain to the sea

Tu mai nga moemoea o te rohe

Stand up for the dreams and visions of our district

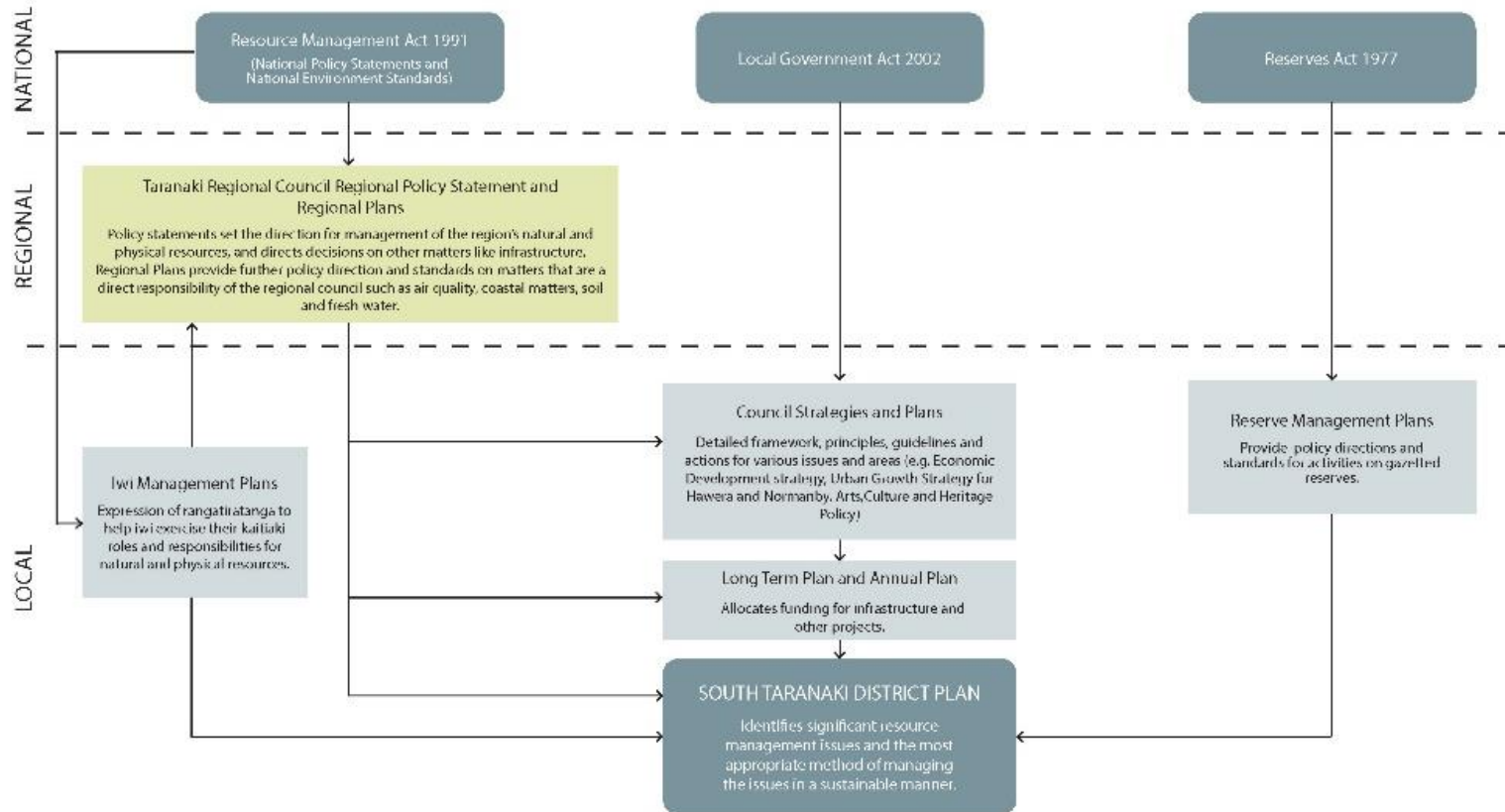
Tu mai tatou i a tatou

Stand up together

Tu mai Taranaki ki te tonga

Stand up South Taranaki

Linkages with Other Plans



1.3 STRUCTURE OF DISTRICT PLAN

The framework for the District Plan is built upon identifying Issues facing the district which then flow into Objectives and Policies and Methods of Implementation (e.g. Rules). This is shown below:

Issues highlight an existing or potential problem in the district that needs to be addressed, or a particular resource that needs to be protected or enhanced.



Objectives set the overarching goal of what is to be achieved through resolving the issue.



Policies set the course of action to achieve or implement an Objective.



Methods of Implementation are the tools used to meet the intent of the Policies. They can include regulatory measures such as rules, and non-regulatory methods such as monitoring, advocacy and education.

The above framework is used throughout the District Plan, which comprises the following interrelated parts:

- **Section 1 – Introduction and Definitions:** The introduction explains how the District Plan works and provides definitions that assist the interpretation of the District Plan.
- **Section 2 – Significant Resource Issues of the District and Objectives and Policies:** This part identifies high-level district-wide issues that are an existing problem or may be a potential problem in the future. Issues relevant to South Taranaki are centred around land, water, tangata whenua, natural character and landscape, environmental quality, infrastructure, natural hazards, heritage, and hazardous substances.
- **Sections 3-8 – Zone based Rules:** These sections recognise the spatial differences of land use in the district, for example rural land used for farming purposes and residential land used for housing. In order to identify the difference, the District Plan adopts a zone based approach where each area is identified on the planning maps and link to tailor-made rules which manage land use and development in that particular zone. By identifying and mapping these zones spatially the District Plan is acknowledging that the impact of certain types of development has different consequences in different areas and therefore different approaches in their management is required.
- **Sections 9-19 – District Wide Activities, Overlays and Special Notations Rules:** These are specified activities or special values that can occur across the district, irrespective of zones. These overlays also include matters of national importance under the RMA, with specific provisions provided.
- **Section 20: Information Requirements and Assessment Matters:** This section sets out the information requirements for resource consent applications and provides assessment matters for which are used for assessing resource consent applications.
- **Schedules:** These comprise inventories that list special resources and technical information such as heritage items, significant natural areas, marae and designations.

- **Appendices:** These contain technical information such as Flight Path Protection Diagrams and information on Iwi's association with specified areas in their Statutory Acknowledgements.
- **Planning Maps (Volume 2):** The planning maps illustrate where particular rules apply. They identify the zoning for the area and any designations, scheduled sites, heritage items, natural or landscape areas, coastal protection area or other areas where particular rules apply.

1.4 CATEGORIES OF ACTIVITIES

In the District Plan an “activity” is the term that relates to use, development and subdivision of land and includes construction of new buildings or structures and use of existing buildings or structures. The District Plan also groups activities together according to common characteristics. For example, the Plan uses the term “residential activities” to group together a range of activities that are associated with residential living.

The District Plan classifies activities into six categories which determine whether a resource consent is required or not. A resource consent is the authorisation granted by the Council to carry out certain activity. The type of resource consent required is generally dependent upon the degree of change anticipated and the effects that the proposed change is likely to have on the surrounding environment.

The classification of activities and type of resource consent are:

1. **Permitted Activities** are allowed by the District Plan without the need for resource consent. These activities must still comply with relevant performance standards for a permitted activity. Plan users should note that other Council consents (not assessed by the District Plan) may be required. Examples include building consent, liquor licences and encroachment licences.
2. **Controlled Activities** require a resource consent, but consent must be granted. They also need to comply with any performance standards specified in the rule. They will be assessed and conditions imposed only according to the matters listed in the District Plan.
3. **Restricted Discretionary Activities** require resource consent which the Council may grant or decline. They need to comply with any performance standards in the rule. In assessing and imposing conditions if consent is granted, the Council will only consider matters listed in the District Plan. The Council will also use its discretion as to whether or not the resource consent application will be notified.
4. **Discretionary Activities** require resource consent, which the Council may grant or decline. They must meet the policy intent of the zone and also comply with the performance standards in the rule. Activities classified as discretionary are recognised as being capable of generating a wide range of effects and therefore the assessment of effects is not narrowed or limited in any way. The Council will also use its discretion as to whether or not the resource consent will be notified.
5. **Non-Complying Activities** require resource consent, which the Council may grant or refuse. Activities classified as non-complying are recognised as being capable of generating a wide range of effects and therefore the assessment of effects is not narrowed or limited in any way. It must be demonstrated that potential adverse effects on the environment are no more than minor or that the activity will not be contrary to the objectives and policies of the District Plan. The Council will also use its discretion as to whether or not the resource consent will be notified.



6. **Prohibited Activities** are activities which are expressly not allowed in the district. No application may be made for such activities and no resource consent can be granted.

1.4.1 NOTIFICATION

In determining how a resource consent application should proceed (i.e. publicly notified, limited notified, or non-notified), the Council first needs to assess whether the activity will have, or is likely to have, effects on the environment that are more than minor (Section 95D of the RMA).

If the adverse effects of the activity will be, or are likely to be, more than minor then the application will need to be publicly notified. However the effects on persons who own or occupy adjacent sites are disregarded in respect to public notification decisions (Section 95D(a) of the RMA).

If the adverse effects of the activity will be, or are likely to be, minor or more than minor, but the adverse effects only fall on a clearly identifiable set of land-owners or occupiers, normally those adjacent to the proposed activity, then the Council must decide that those persons are adversely affected by the activity. The Council will then need to assess whether or not the affected parties have given their written approval to the activity.

If all affected persons or groups have given their written approvals, the application can be dealt with on a non-notified basis. If some affected persons or groups have not given their written approval, the Council must limited notify the application by serving notice on all affected persons and groups who have not provided their written approval. Those who have given their written approval to the activity are not considered affected persons and need not be notified.

If the adverse effects of the activity are less than minor, the application can be processed on a non-notified basis.

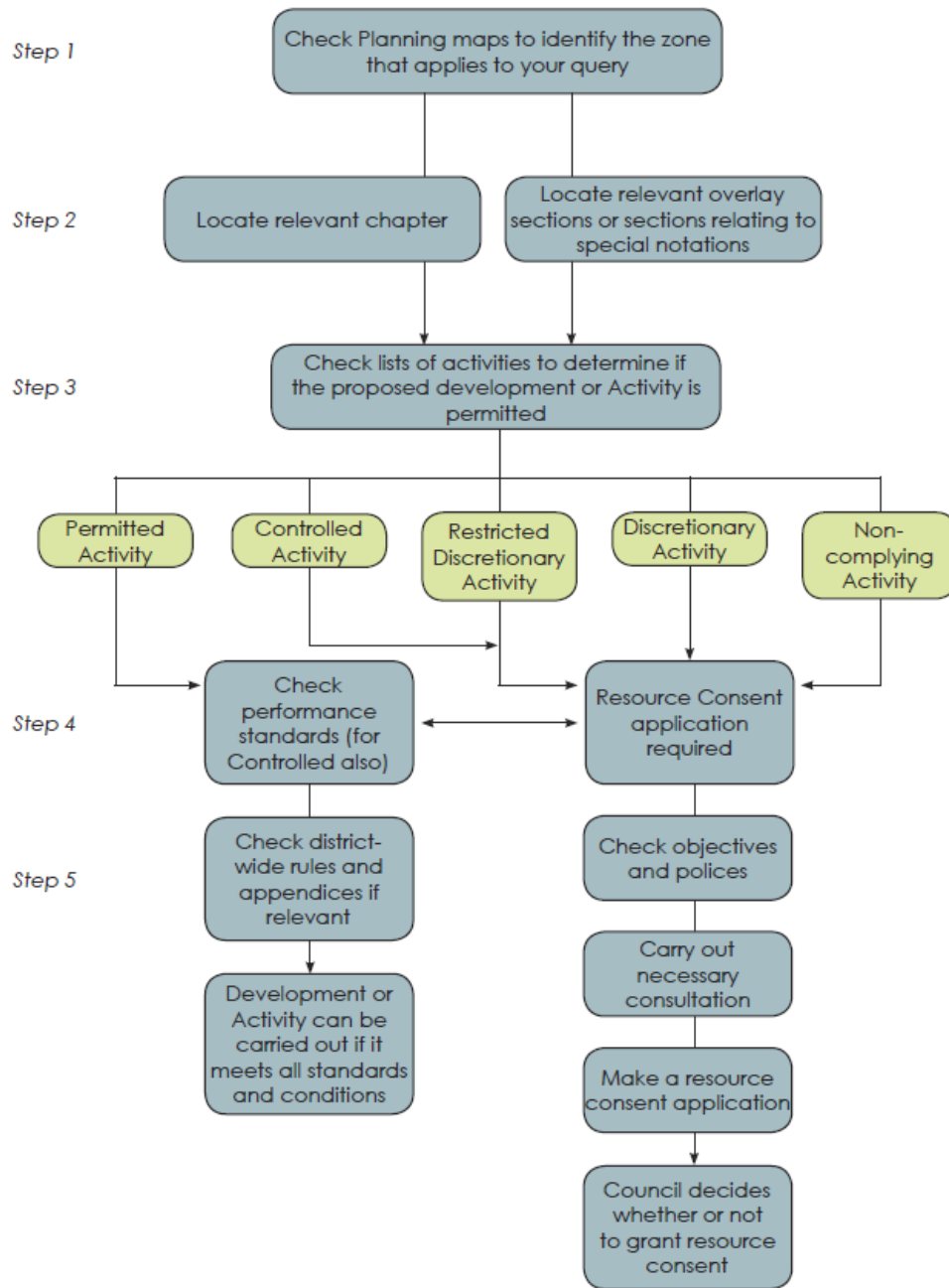
In addition, the District Plan contains notification statements for specific rules. These statements provide direction or guidance on the notification process to be followed for these specific rules.

1.4.2 EXISTING USES

Section 10 of the RMA allows the continuation of existing activities that do not comply with the District Plan, as long as these activities were lawfully established before the rule became operative or the proposed plan was notified. To continue operating under existing use rights, the effects of the activity are to be the same or similar in character, intensity, and scale. Section 139A of the RMA enables a certificate of compliance or existing use to be requested from the Council. A certificate of existing use requires sufficient information and description of the existing activity to be provided to enable the Council to assess and make a judgement. When the character, intensity, and scale of the activity have altered, a resource consent must be obtained for the activity unless it is considered to be a Permitted Activity.



1.5 HOW TO USE THE DISTRICT PLAN



**Step 1**

Start with the planning maps (Volume 2) and find your property or enquiry site on the relevant map. You need to identify which zone applies by checking the map index. You also need to identify whether there are any special notations that apply to your site, for example a heritage item or the Coastal Protection Area.

It is important to make a note of the zone and any special notations that apply to the property. Depending on the type of activity being proposed, you may need to comply with rules covered in multiple sections of the plan.

Step 2

Locate the relevant zone section in Sections 3-8 of the plan. For example, if your site is located in the Residential Zone on the planning maps, you then need to refer to the Residential section (Section 4) for the relevant rules that apply.

If a special notation also applies to the site (e.g. Coastal Protection Area or Flood Hazard Area), you need to refer to the rules that apply to the area. In this case you may need to look at both the zone provisions and the relevant district wide provisions.

Step 3

Within the zone section these are lists of land use activities that are identified as being permitted activities (i.e. no resource consent required provided all performance standards are met). If your proposed activity is in the permitted activity list, you then need to check that it meets the performance standards.

Step 4

The zone section then contains a series of performance standards. For an activity that was identified in Step 3 as being a permitted activity, you need to ensure that also meets the performance standards for it to stay a permitted activity. If this is the case, no resource consent is needed. If this is not the case, a resource consent will be necessary.

You may need to refer to the definitions part of this section to help clarify the meaning of particular terms. It pays to also check in the Appendices section of the plan. These may be relevant depending on the particular enquiry.

Step 5

If your activity is not listed as permitted activity or fails to meet the performance standard, then a resource consent is necessary. In order to determine whether your proposed activity requires a Controlled, Restricted Discretionary, Discretionary or Non-Complying Activity resource consent, you need to check the rules and performance standards.

If it is determined that a resource consent is necessary, you will then need to make a resource consent application to the Council. The objectives and policies set out in the relevant sections will provide the policy framework that the resource application will be assessed against. In broad terms, the more an application can demonstrate that the objectives and policies of the plan overall are being met, the more likely it is that the consent will be granted.

Section 20 provides information relating to making a consent application and provides assessment criteria for certain activities, which you can use as guidance when preparing a resource consent application.

1.6 CROSS REFERENCING TABLE

To assist plan users to understand the relationship between provisions for each topic within the District Plan (objectives, policies, rules, assessment criteria, and other potentially relevant sections), the following table has been prepared. The Cross Referencing Table demonstrates the linkages between the policy framework and rules, and guides plan users to the different parts of the District Plan for preparing and assessing resource consent applications and notices of requirement. The Table is for guidance only. For full understanding and interpretation of the District Plan, the main body of this document should be referred to.

Topic	Section 2		Sections 3 - 19		Section 20	Other Potentially Relevant Sections
	Objectives	Policy	Rules	Standards	Assessment Criteria	
Where to find in Plan						Depending on the location and circumstances of a proposal, the following Sections of the Plan may also be relevant.
Rural Zone	2.1.3, 2.1.4	2.1.5	9.1.2(a)	9.2.1	20.2	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise Section 2.9 and Section 12: Hazardous Substances Section 2.10 and Section 13: Energy Section 2.11 and Section 14: Network Utilities Section 2.12 and Section 15: Heritage Protection Section 16: Financial Contributions Section 2.7 Tangata Whenua, Section 2.13 Notable Trees, Section 2.15 Coastal Environment, Section 2.16 Natural Features and Landscapes, Section 2.17 Indigenous Biodiversity, Section 2.18 Waterbodies and Section 17: Natural Environment Section 2.19 Natural Hazards Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide Section 2.22 and Section 19: Signs
		2.1.6	9.1.4(a)		20.5.4 & 20.5.5	
		2.1.7	9.1.4(a)		20.5.4 & 20.5.5	
		2.1.8	3.1.1(a), 3.1.3(b)	3.2.4, 3.2.5, 3.2.6, 11.2.2, 19.2.5	20.5.1	
		2.1.9	3.1.3, 3.1.4, 3.1.5	3.2	20.5.1, 20.5.4 & 20.5.5	
		2.1.10	3.1.1(a)	3.2	20.1	
		2.1.11	3.1.1(b)-(bb)	3.2	20.5.2	
		2.1.12	3.1.3(c), (g), 3.1.4(b)-(n) & 3.1.5(a) – (f), 9.1.4(a)	3.2, 9.2	20.1 & 20.2, 20.5, 20.5.27	
		2.1.13	3.1.3, 3.1.4, 3.1.5	3.2.2	20.5.1	
		2.1.14	3.1.3, 3.1.4, 3.1.5	3.2.2	20.5.1	
		2.1.15	3.1.1(a), 3.1.3, 3.1.5	3.2.2	20.5.1, 20.5.27	
		2.1.16	3.1.1(n)	3.2.11	20.1	
		2.1.17	3.1.4	3.2.11	20.1	



Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections	
		2.1.18	3.1.3(c) & 3.1.4 (b)	20.1	
		2.1.19	9.1.2, 9.1.4	9.2.1 20.1 & 20.2	
		2.1.20		9.2.2 20.1 & 20.2	
		2.1.21	3.1.3(b)	20.1	
Residential Zone	2.2.3, 2.2.4, 2.2.5	2.2.6 – 2.2.11	4.1.1(a) - (b), (e) 4.1.3(b) – (c) 9.1.2(a)	4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 9.2.1 20.1, 20.2, 20.5.4	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise Section 2.9 and Section 12: Hazardous Substances Section 2.10 and Section 13: Energy Section 2.11 and Section 14: Network Utilities Section 2.12 and Section 15: Heritage Protection Section 16: Financial Contributions Section 2.7 Tangata Whenua, Section 2.13 Notable Trees, and Section 17: Natural Environment Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide Section 2.22 and Section 19: Signs
		2.2.12 – 2.2.15	4.1.1(a), 4.1.3(a)	4.2.1, 4.2.2, 4.2.3, 4.2.5, 4.2.6, 4.2.7, 4.2.8, 4.3.1, 4.3.2 20.5.1, 20.5.3, 20.5.4, 20.5.6, 20.5.7	
		2.2.16	4.1.3 (a) – (d), 4.1.4 (a) – (k), 4.1.5 (a) – (d)		20.1, 20.2
		2.2.17	4.1.1(a)	4.2.2	20.1
		2.2.18 – 2.2.20	4.1.1(c) – (l), 4.1.3(d) – (e), 4.1.4(a) – (k), 4.1.5 (a) – (d)	4.2.5, 4.2.6, 4.2.7, 4.2.8, 11.2.3, 19.2.5	20.1, 20.5.2, 20.5.8, 20.5.26
		2.2.21 – 2.2.24	4.1.1(g) 9.1.2, 9.1.4	4.2.2 9.2.2	20.1 20.2
		2.2.25 – 2.2.26	4.1.5(d), 4.1.6(a) – (b)		20.1

Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
Township Zone	2.3.2	2.3.3 – 2.3.4	5.1.1(a) – (q) 9.1.2(a), 9.1.4(a)	5.2.1 – 5.2.10, 9.2.1	20.1, 20.2	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise Section 2.9 and Section 12: Hazardous Substances Section 2.10 and Section 13: Energy Section 2.11 and Section 14: Network Utilities Section 2.12 and Section 15: Heritage Protection Section 16: Financial Contributions Section 2.13 Tangata Whenua, Section 2.13 Notable Trees, and Section 17: Natural Environment Section 2.19 Natural Hazards Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide Section 2.22 and Section 19: Signs
		2.3.5 – 2.3.8	5.1.3(a) – (e) 5.1.4(a) – (n) 5.1.5(a) – (c) 9.1.2(a) 9.1.4(a)	9.2.1	20.1, 20.2	
Commercial Zone	2.4.4, 2.4.5, 2.4.6	2.4.7 – 2.4.9	6.1.1(a) – (d), 9.1.2(a), 9.1.4(a)	6.2, 9.2.1	20.1, 20.2	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise Section 2.9 and Section 12: Hazardous Substances Section 2.10 and Section 13: Energy Section 2.11 and Section 14: Network Utilities Section 2.12 and Section 15: Heritage Protection Section 16: Financial Contributions Section 2.7 Tangata Whenua, Section 2.13 Notable Trees, and Section 17: Natural Environment
		2.4.10 – 2.4.11	6.1.4(a) – (c), 6.1.5(a) – (c)		20.1, 20.2	
		2.4.12	6.1.1 (a) – (d)	6.2.1, 6.2.3, 6.2.5, 6.2.6, 11.2.4, 19.2.4	20.5.1	
		2.4.13 – 2.4.14	6.1.1 (a) – (d)	6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.10	20.5.1	
		2.4.15	6.1.1 (a) – (d)	6.2.3	20.5.1	
		2.4.16 – 2.4.17	6.1.3(a)		20.1	
		2.4.18 – 2.4.22	6.1.1(a), 6.1.2(a), 6.1.5(a)	6.2.4	20.1	



Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
		2.4.23	6.1.1(a) – (d)	20.1	Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide Section 2.22 and Section 19: Signs	
		2.4.24		6.2.7		20.1
		2.4.25	6.1.1(b)	6.2.7		20.1
		2.4.26 – 2.4.28	6.1.1(a) & (c), 6.1.3(a) – (b)			20.1
Industrial Zone	2.5.3, 2.5.4	2.5.5	7.1.1(a) – (k), 9.1.2(a), 9.1.4(a)	7.2, 9.2.1, 11.2.4, 19.2.4	20.1, 20.2	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise Section 2.9 and Section 12: Hazardous Substances Section 2.10 and Section 13: Energy Section 2.11 and Section 14: Network Utilities Section 2.12 and Section 15: Heritage Protection Section 16: Financial Contributions Section 2.7 Tangata Whenua, Section 2.13 Notable Trees, and Section 17: Natural Environment Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide Section 2.22 and Section 19: Signs
		2.5.6	7.1.1(l)	7.2.8	20.1	
		2.5.7	7.1.3(a)	7.2.2, 7.2.4, 7.2.5, 7.2.6, 11.2.4, 19.2.4	20.5.1	
		2.5.8 – 2.5.9	7.1.4(a) – (k), 7.1.5(a) – (c), 9.1.4(a)	7.3.1, 7.3.2	20.1, 20.2	
		2.5.10	7.1.1	7.2.1, 7.2.2	20.5.1	
Rural Industrial Zone	2.6.3, 2.6.4	2.6.5	8.1.1(a) – (j), 9.1.2(a)	8.2, 8.3, 9.2.1, 11.2.4, 19.2.4	20.1, 20.2	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise Section 2.9 and Section 12: Hazardous Substances Section 2.10 and Section 13: Energy Section 2.11 and Section 14: Network Utilities Section 2.12 and Section 15: Heritage Protection
		2.6.6				
		2.6.7		8.2, 8.3	20.1	
		2.6.8	8.1.4	8.2, 8.3	20.1	
		2.6.9	8.1.4(a) – (c), 8.1.5(a)		20.1	
2.6.10	3.1.1(a), 9.1.2(a), 9.1.4	11.2.6 9.2	20.1, 20.2, 20.5.1			



Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections	
				Section 16: Financial Contributions Section 2.7 Tangata Whenua, Section 2.18 Waterbodies and Section 17: Natural Environment Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide Section 2.22 and Section 19: Signs	
Tangata Whenua	2.7.6 – 2.7.119	2.7.124 – 2.7.132	15.1.1(b) 15.1.4(b) 9.1.3(a)	Schedule 1B: Historic Sites and Sites of Significance to Māori 20.5.16	Section 2.1 – 2.6: All Zones Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, Section 9: Subdivision and Development
		2.7.143 – 2.7.219	3.1.1(e) & (f), (g) 3.1.2(b) 3.1.3(o) – (p) 4.1.1(d) & (e), (l) 4.1.2(a) 4.1.3(f) – (g) 5.1.1(d) and (e) 5.1.2(a) 5.1.3(f) – (g) 6.1.1(a)(xiii) and (xiv) 6.1.2(b) 6.1.3(e) – (f) 3.1.1(q)	3.2.1.1(v) & 3.2.2.3 4.2.1(a)(iii) 5.2.1(c) Schedule 7: Marae	
Transportation	2.8.5, 2.8.6, 2.8.7, 2.8.8	2.8.9	10.1.1(c) 10.1.3(a) 10.1.4(a)	10.2.1 – 10.2.3 10.3.1 – 10.3.5 All Planning Maps	20.1, 20.2, 20.5.9 Section 3 – 8: All Zones Section 9: Subdivision and Development Section 11: Noise
		2.8.10 – 2.8.12	10.1.1(a)	10.2.1 – 10.2.3	20.1, 20.2, 20.5.9 Section 12: Hazardous Substances

Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections	
		10.1.3(a) 10.1.4(a)	10.3.1 – 10.3.5 10.7.1 All Planning Maps	Section 13: Energy Section 16: Financial Contributions	
	2.8.13	10.1.1(a) 10.1.3(a) 10.1.4(a)	10.2.1 – 10.2.3 10.5.1 – 10.5.5 10.7.1 All Planning Maps	20.1, 20.2, 20.5.9	
	2.8.14	10.1.1(a) 10.1.3(a) 10.1.4(a)	10.6.1 10.7.1 All Planning Maps	20.1, 20.2, 20.5.9	
	2.8.15	10.1.1(a) 10.1.3(a) 10.1.4(a)	6.2.7(1) All Planning Maps	20.1, 20.2, 20.5.9	
	2.8.16	10.1.1(a) 10.1.3(a) 10.1.4(a)	10.2.1, 10.5.1 All Planning Maps	20.1, 20.2, 20.5.9	
	2.8.17	10.1.1(b) 10.1.3(a) 10.1.4(a)	10.4.1 All Planning Maps	20.1, 20.2, 20.5.9	
	2.8.18	3.1.1, 3.1.3(a)	11.2.2.3 All Planning Maps	20.1, 20.2, 20.5.9	
	2.8.8	2.8.19 – 2.8.21	3.1.1, 3.1.3(a) 3.1.3(l), 3.1.5(b) 4.1.1, 4.1.3(a) 6.1.1, 6.1.3(a) 7.1.1, 7.1.3(a)	3.2.11 4.2.9 6.2.8 7.2.7 11.2.8, 11.2.9 Planning Maps (Special Map 1)	20.1, 20.2, 20.5.9

Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
Hazardous Substances and Contaminated Land	2.9.4	2.9.8	12.1.4, 12.1.5, 12.1.6	20.5.10	Sections 2.1 – 2.6, and Sections 3-8: All Zone Rules Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, Section 9: Subdivision and Development Rules Section 2.8: Transportation and Section 10: Parking and Transportation Rules Section 2.10 Energy, and Section 13: Energy Rules Section 2.11 and Section 14: Network Utilities Rules Section 2.20: Temporary Activities, Section 18: District Wide Rules	
		2.9.9, 2.9.10, 2.9.11 2.9.12 - 2.9.14	12.1.1 – 12.1.6, 9.2.1	12.2, 8.2, 3.2.2(a)		20.5.28
	2.9.5	2.9.27 – 2.9.29			Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).	
	2.9.6	2.9.15 – 2.9.24	12.1.1 – 12.1.6	2.5.11	Sections 2.1 – 2.6, and Sections 3-8: All Zone Rules	
	2.9.7	2.9.25 – 2.9.26	12.1.1 – 12.1.6, 9.2.1	8.2, 3.2.2(a)	20.5.28 Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, Section 9: Subdivision and Development Rules Section 2.8: Transportation and Section 10: Parking and Transportation Rules Section 2.10 Energy, and Section 13: Energy Rules Section 2.11 and Section 14: Network Utilities Rules Section 2.20: Temporary Activities, Section 18: District Wide Rules	
Energy	2.10.5, 2.10.6, 2.10.7 2.10.8	2.10.9	13.1.1	13.2.2	Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, and Section 9: Subdivision and Development Section 2.8 and Section 10: Parking and Transportation Section 11: Noise	
		2.10.10	13.1.1	13.2.2		20.5.11
		2.10.11	13.1.5			20.5.11
		2.10.12	9.2.1			20.2, 20.5.11 & 20.2.12

Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
		2.10.13		20.5.11	Section 2.9 and Section 12: Hazardous Substances	
		2.10.14		20.5.11	Section 2.10 and Section 13: Energy	
		2.10.15	13.1.4	20.5.12	Section 2.11 and Section 14: Network Utilities	
		2.10.16	13.1.3, 13.1.4	20.5.12 & 20.2.13	Section 2.12 and Section 15: Heritage Protection	
		2.10.18	13.1.1	13.2.1	Section 16: Financial Contributions	
		2.10.19	13.1.1 – 13.1.5	13.2.3	Section 2.7 Tangata Whenua, Section 2.13 Notable Trees, Section 2.15 Coastal Environment, Section 2.16 Natural Features and Landscapes, Section 2.17 Indigenous Biodiversity, Section 2.18 Waterbodies and Section 17: Natural Environment	
		2.10.20	13.1.1(a)(iv)	13.2.3		
		2.10.21	13.1.1 – 13.1.5			
		2.10.22	13.1.4, 13.1.5		Section 2.19 Natural Hazards	
		2.10.23	13.1.4, 13.1.5		Section 2.20 Temporary Activities, Section 2.21 Relocated Buildings and Section 18: District Wide	
				20.5.12 (t)	Section 2.22 and Section 19: Signs	
Network Utilities	2.11.2	2.11.4-2.11.9	14.1.1(a)-(h)	14.2.1-14.2.11	20.5.14	Section 9: Subdivision and Development
	2.11.3		14.1.3(a)-(d) 14.1.4(a), (b)			Section 2.7 Tangata Whenua Section 2.15 Coastal Environment
		2.11.10-2.11.13	3.1.3(k)-(l) 3.1.5(c) 9.1.3(f) 9.1.5(c)	3.2.14-3.2.15	20.2 20.5.15 20.5.27	Section 2.16 Natural Features and Landscapes Section 2.17 Indigenous Biodiversity Section 2.19 Natural Hazards Section 9: Subdivision and Development Schedule 5: Significant Waterbodies Schedule 8B: Areas of Outstanding Natural Character Schedule 2: Significant Natural Areas



Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections			
Historic Heritage	2.12.2-2.12.3	2.12.5-2.12.14	15.1.1 (a) 15.1.2 (a) 15.1.3 (a) 15.1.4 (a) 15.1.6 (a) 9.1.3 (a)	Scheduled 1A Buildings and Objects 6.2.10.2 7.3.1.2	20.5.16	Section 2.1 – 2.6, and Section 3-8: All Zone Rules Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, Section 9: Subdivision and Development Rules Section 2.8: Transportation and Section 10: Parking and Transportation Rules	
		2.12.15	15.1.4 (c) 9.1.3 (a)			20.5.16	Section 2.10 Energy, and Section 13: Energy Rules Section 2.11 and Section 14: Network Utilities Rules
		2.12.16 2.12.17	15.1.1(b) 15.1.4(b)	Scheduled 1B Historic Sites and Sites of Significance to Tangata Whenua		20.5.17	Section 2.7: Tangata Whenua, Section 2.13: Notable Trees and Section 15 Heritage Protection Rules. Section 2.15: Coastal Environment, 2.16: Natural Features and Landscapes, Section 2.17: Indigenous Biodiversity, Section 2.18 Waterbodies, and Section Natural Environment Rules.
		2.12.18 – 2.12.20	Any resource consent	All planning maps			Section 2.20: Temporary Activities, Section 18: District Wide Rules
Notable Trees	2.13.2	2.13.3 – 2.13.8	15.1.1(c) 15.1.4(d)	Schedule 4: Notable Trees	20.5.18	Section 2.1 – 2.6: All Zones Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, Section 9: Subdivision and Development	
Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions	2.14.5, 2.14.6	2.14.7 – 2.14.8	Planning Maps All Section 4 All Section 6 All Section 7	Planning Maps All Section 4 All Section 6 All Section 7	20.1, 20.2	Section 2.2 and Section 4: Residential Zone Section 2.4 and Section 6: Commercial Zone Section 2.5 and Section 7: Industrial Zone Section 2.7 and Section 10: Parking and Transportation	
		2.14.9		9.2.4	20.1, 20.2	Section 2.10 and Section 14: Network Utilities	
		2.14.10	9.1.4(a)	9.2.1, 9.2.2	20.1, 20.2, 20.5.4	Section 16: Financial Contributions	
		2.14.11 – 2.14.12	9.1.2(a), 9.1.4(a)	9.2.2, 9.2.3, 9.2.5, 9.2.6	20.1, 20.2, 20.5.19	Section 2.7 Tangata Whenua, Section 2.13 Notable Trees, Section 2.15 Coastal Environment, Section 2.16 Natural Features and Landscapes, Section 2.17 Indigenous	

Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
				Biodiversity, Section 2.18 Waterbodies and Section 17: Natural Environment		
Coastal Environment	2.15.3, 2.15.4, 2.15.5, 2.15.6, 2.15.7	2.15.8 – 2.15.12	17.1.1(a)-(c) 17.1.3(a) 17.1.4(a) 17.1.5(a) 9.1.4(b) 9.1.5(a)	All Planning Maps	20.5.21	Section 2.17 Indigenous Biodiversity Section 2.18 Waterbodies Section 2.10 and Section 13: Energy Section 2.16 Natural Features and Landscapes Section 2.19 Natural Hazards Section 9: Subdivision and Development Schedule 8B: Areas of Outstanding Natural Character
		2.15.13 - 2.15.17	9.1.4	9.2.6	20.2, 2.5.21	
		2.15.18	17.1.1(a)(xi)			
		2.15.19	17.1.4(a)(vi)		20.5.21	
		2.15.20	17.1.4(a)(vii)		20.5.21	
Natural Features and Landscapes	2.16.3 2.16.4	2.16.5-2.16.11	17.1.1(b), (c) 17.1.3(b), (c) – (d) 17.1.4(b), (g), (h) 17.1.5(b) 9.1.5(b)	All planning maps	20.5.22	Section 2.7 Tangata Whenua Section 2.15 Coastal Environment Section 2.17 Indigenous Biodiversity Section 2.19 Natural Hazards Section 9: Subdivision and Development Schedule 8A: Outstanding Natural Features and Landscapes
		2.16.12 2.16.13	17.1.3(e)	17.2 Natural Environment Appendix 1	20.5.22	
		2.16.15	17.1.4(a)(vi)		20.5.22	
Indigenous Biodiversity	2.17.3 2.17.4	2.17.5 – 2.17.11	17.1.1 (a)(viii), (d) 17.1.3(b)(i) 17.1.4(a)(i), (d)-(f) 9.1.3(b)	All Planning Maps 17.3: Natural Environment Appendix 2	20.5.20	Schedule 2: Significant Natural Areas Section 2.18 Waterbodies Section 9: Subdivision and Development Schedule 8B: Areas of Outstanding Natural Character
		2.17.12 – 2.17.13	17.1.1(e) & (f) 17.1.4(g)	All Planning Maps	20.5.20	

Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
Waterbodies	2.18.4 2.18.5 2.18.6 2.18.7	2.18.8		Schedule 5: Significant Waterbodies	Section 2.7 Tangata Whenua Section 2.15 Coastal Environment Section 2.16 Natural Features and Landscapes Section 2.17 Indigenous Biodiversity Section 2.19 Natural Hazards Section 9: Subdivision and Development Schedule 5: Significant Waterbodies Schedule 8B: Areas of Outstanding Natural Character Schedule 2: Significant Natural Areas	
		2.18.9 - 2.18.13	9.1.3(c) 3.1.1 3.1.3	3.2.2		
		2.18.14- 2.18.18, 2.18.23	9.1.2	9.2.6		
		2.18.19 -2.18.20	3.1.1 (t) 3.1.3(f)	3.2.13		
Natural Hazards	2.19.2 2.19.3	2.19.4-2.19.11	17.1.1(a) 17.1.3(a), 17.1.4(a) – (e), 17.1.5(a) 9.1.4(b)	20.2(d) 20.1	Section 2.15 Coastal Environment	
		2.19.12-2.19.17 2.19.18 2.19.19	3.1.1 3.1.3(h) 5.1.1 9.1.3(e)	All Planning Maps 3.2.8 5.2.9		20.2 20.1
Temporary activities	2.20.2	2.20.3	18.1.1(b)-(d) 18.1.3(b)	18.2.2 – 18.2.45	20.5.23 20.5.24	Section 12: Natural Environment Rules Section 15: Heritage Protection
Relocated buildings	2.21.2	2.21.3	18.1.1(a)	18.2.1 18.1.3(a) 18.3, 18.4	20.5.25	Sections 3-8: Zone Rules
Signs	2.22.2	2.22.3 2.22.4	19.1.1(a), (b) 19.1.3(a), (b) 19.1.4(a)-(c)	9.2.1-19.2.5 19.3.1(a), (b)	20.5.-26	Section 12: Natural Environment Rules Section 15: Heritage Protection



Topic	Section 2	Sections 3 - 19	Section 20	Other Potentially Relevant Sections		
Noise	2.1.3, 2.1.4, 2.3.2	2.1.7, 2.3.4	11.1.1 3.1.1, 3.1.3 5.1.1, 5.1.3	11.2.2.1, 11.2.2, 11.2.7.1	20.1 Section 2.1 – 2.6, and Section 3-8: All Zone Rules Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions, Section 9: Subdivision and Development Rules Section 2.8: Transportation and Section 10: Parking and Transportation Rules Section 2.10 Energy, and Section 13: Energy Rules Section 2.11 and Section 14: Network Utilities Rules Section 2.20: Temporary Activities, Section 18: District Wide Rules	
	2.2.5, 2.4.4, 2.5.3,	2.2.18 - 2.2.21 2.4.7 – 2.4.10 2.5.5, 2.5.7 – 2.5.9	4.1.1, 4.1.3 6.1.1, 6.1.3 7.1.1, 7.1.3	11.2.3.1, 11.2.7.1 11.2.4.1 11.2.5.1		
	2.6.3	2.6.6 – 2.6.10	8.1.1, 8.1.3	8.2.1, 8.3 – 8.12, 11.2.6.1		
	2.7.8	2.7.20	11.1.1	11.2.8.1		20.1
	2.20.2	2.20.3	11.1.1 18.1.1(d)	11.2.10		20.1



1.7 MONITORING

The Council is required under the RMA to monitor the effectiveness of its policy statements and plans, the exercise of resource consents, the exercise of any transferred and delegated powers and the state of the environment in relation to the Council's duties and responsibilities under the RMA.

In order to carry out these obligations, the Council will:

- Monitor the key issues facing the District in a timely manner;
- Produce reports to document trends and issues;
- Use existing data where possible in order to be cost effective; and
- Continue to review and examine the effectiveness of the District Plan (or parts of it) to ensure all objectives, policies and rules will effectively achieve the desired environmental outcomes.

In order to achieve this, the Council will rely as much as possible on:

- Its own monitoring programme and its Annual Plan requirements;
- Data gathered for other purposes, but which have relevance for monitoring;

Monitoring programmes carried out by Taranaki Regional Council, and other agencies.

1.8 DESIGNATIONS

A designation is a provision in the District Plan which authorises the use of land for a particular work. The provisions for designations are set out in Part 8 of the RMA.

Under the RMA, a Minister of the Crown or local authority with financial responsibility for a public work, or a network utility operator approved under Section 167 of the RMA may designate land for public works. A public work or project could include a school, police station, state highway, local road, park, transmission lines, substation or other infrastructure.

A designation can:

- Enable the use of land for a public work or infrastructure;
- Restrict the use of land, water, subsoil, or airspace where this is necessary for the safe or efficient functioning or operation of a public work or infrastructure; and
- Require written approval of the requiring authority responsible for the designation before a third party can undertake an activity within the designation.

The following section provides an overview of the Notice of Requirement process, the effect of a designation, and Designations included in Schedule 3 of the District Plan.

1.8.1 NOTICES OF REQUIREMENT

A Notice of Requirement (NoR) is a proposal or application for a designation, which typically relates to enabling a public work or project or restricting activities for the safe or efficient function or operation of a public work or project. A Requiring Authority can serve a Notice of Requirement on the Council at any time to include a designation in the Plan. Such 'Notices of Requirement' are required to include certain



information as set out in section 168 or section 168A of the RMA, and to follow the procedures also set out in the RMA, including Schedule 1.

The procedures which need to be followed to include a Designation in the plan are comprehensive and ensure that a Requiring Authority undertakes a full assessment of the environmental effects of the activity prior to notifying a Notice of Requirement. All notices of requirement should convey in clear language the uses and activities to which 'designated' land may be put.

All Notices of Requirements for designations received by the Council will be assessed in accordance with the provisions of the RMA. Likewise, any request by a requiring authority to alter a designation in the plan will be assessed in accordance with the relevant provisions of the RMA.

1.8.2 EFFECT OF DESIGNATION

Section 176 of the Resource Management Act 1991 sets out the effect of a designation when a designation is included in a District Plan:

All work undertaken on a designated site shall be undertaken in accordance with the Notice of Requirement creating that designation, and any conditions attaching to the Requirement at the time the designation was confirmed. The District Plan rules do not apply to a public work, project or work undertaken by a requiring authority under the designation. However, if the designated land is used for a purpose other than the designated purpose (i.e. outside the 'scope' of the 'designation purpose' identified in Schedule 3), then the provisions of the District Plan or proposed District Plan would apply.

A designation does not exclude the requiring authority from other restrictions or duties under Part 3 of the Resource Management Act 1991, (i.e. national environmental standards and Regional Council rules) and the general duties under sections 16 and 17 (i.e. avoiding unreasonable noise and avoiding, remedying and mitigating adverse effects).

Other people may not, without the prior written consent of the requiring authority, do anything in relation to the designated land that would impede the public work, project or work.

1.8.3 SCHEDULE 3

All requirements for designations received by South Taranaki District Council, and existing designations rolled over from the previous District Plan are identified in Schedule 3 of the District Plan and shown on the planning maps. All existing legal roads, including state highways, are designated, shown on planning maps and included in Schedule 3. Any conditions of the designations are also included in Schedule 3.

1.9 PLAN INTERPRETATION AND DEFINITIONS

This Section defines the meaning of terms used in the District Plan. Words defined in the RMA have the same meaning in this Plan, unless otherwise stated. In the case of any inconsistency, the statutory definition prevails.

1.10 GENERAL RULES OF INTERPRETATION

- Any term which is not defined in this section, the Resource Management Act 1991 or relevant technical standard takes its common meaning from the Oxford Dictionary.
- Singular includes plural and vice versa.



- Cross references are for the assistance of the reader and are not necessarily exhaustive.
- References to New Zealand or overseas standards include amendments.
- Definitions of Māori terms are necessarily a brief approximation of meaning and have to be expanded and understood in the context of the specific usage and local language differences.
- Terms that are in capital letters indicate that the term is also defined in this section of the District Plan.

1.11 DEFINITIONS

ACCESS: means that area of land over which a site or allotment obtains legal vehicular and/or pedestrian access to a legal road. This land includes an ACCESS LEG, a private road/right of way/accessway, common land as defined on a cross-lease or company-lease; or common property as defined in Section 2 of the Unit Titles Act 2010.

ACCESS LEG: in relation to a rear allotment or rear site, means the strip of land, which is included in the ownership of that allotment or site, and which provides the legal, physical access from the frontage legal road to the net area of the allotment or site.

ACCESS WAY: means any passage way, laid out or constructed by the authority of the Council or the Minister of Works and Development or, on or after the 1st day of April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve (Section 315 of the Local Government Act 1974).

ACCESSORY BUILDING: means any BUILDING that is secondary and incidental to an activity undertaken on a SITE, and includes a garage or carport, home workshop, garden shed, sleepout and private swimming pool.

The ACT: means the Resource Management Act 1991, and its amendments.

AERIAL, in relation to AMATEUR RADIO CONFIGURATION, means all supporting STRUCTURES for AMATEUR RADIO CONFIGURATION, including ANTENNA and MASTs.

AGGREGATE/SOIL EXTRACTION: means the permanent removal of any soil, rock or aggregate from any point of any site, including metal quarries and coal mines, including gravel crushing and processing of aggregate/soil, but does not include the removal of spoil for construction purposes or removal of soil, rock or aggregate for FORESTRY HARVESTING, PROSPECTING, PETROLEUM EXPLORATION, or PETROLEUM PRODUCTION.

AIRPORT APPROACH CONTROL SURFACE: means that land identified as “Airport Approach Control Surface” on Special Map 1 of the planning maps.

AIRPORT PROTECTION AREA: means that land identified as “Airport Protection Area” on Special Map 1 of the planning maps.

ALLOTMENT: has the same meaning as Lot, as defined in section 218 of the Resource Management Act 1991.

AMENITY VALUES: has the same meaning as defined in the Resource Management Act 1991.

AMATEUR RADIO CONFIGURATION: means the AERIALS, ANTENNAS and associated MASTs and supporting STRUCTURES which are owned and used by licensed Amateur Radio Operators.

ANCESTRAL LAND: means land that belonged to tipuna/tupuna (ancestors), where there is a demonstrated whakapapa or ancestral connection to the land¹.

ANTENNA: in relation to NETWORK UTILITIES, means a device that:

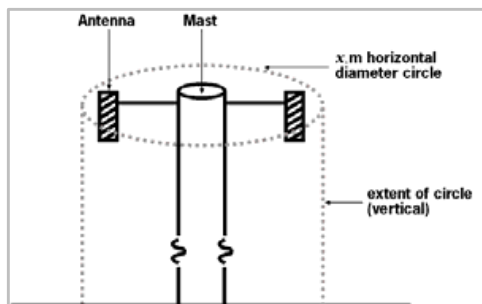
- (a) Receives or transmits radio-communication or telecommunication signals.
- (b) Is operated by a network operator.
- (c) Includes the mount, if there is one, for the device.
- (d) Includes the shroud, if there is one, for the device.
- (e) Includes all associated hardware for the functioning of the antenna.

The diameter or area of an antenna means:

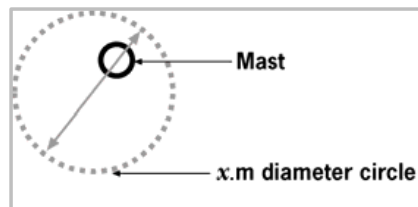
- In relation to any panel antenna or other type of antenna that has a length and a width, the area measured by calculating the largest surface area.
- In relation to any other antenna, the diameter measured by taking the cross-section of the widest part of the antenna.

The requirement that antenna and aerials attached to a mast are to be located within a x.m horizontal diameter circle of the centre of the mast, this means that all antennas, aerials and mountings must be located within the horizontal diameter circle stipulated.

For illustration purposes only:



Horizontal Diameter Circle (side Elevation centred on mast)



Horizontal Diameter Circle (Plan view – not centred on mast)

ANTENNA, in relation to AMATEUR RADIO CONFIGURATION, means a device, rods or wires that transmit or receive radio signals, and includes a mounting boom, if there is one.

ALTERATION: (only applicable to heritage provisions) means any change to the physical fabric of a historic heritage building or object that varies its size, style or composition. This includes the partial destruction of a historic heritage building or STRUCTURE required to realise any such change, and includes the removal and replacement of external walls, windows, roofs, verandas, parapets and balustrades. Alteration does not include MAINTENANCE, REDECORATION, REPAIR or restoration.

¹ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1



ARCHAEOLOGICAL SITE: has the same meaning as in the Heritage New Zealand Pouhere Taonga Act 2014.

BIODIVERSITY OFFSET: means measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.

BOUNDARY ADJUSTMENT: means the subdivision of land comprised in two or more contiguous sites (notwithstanding any separation by any road, railway line or waterbody) where the location of the legal boundaries are adjusted and there is no increase in the number of Record of Title.

BUILDING: means (in addition to its ordinary and usual meaning) any STRUCTURE or part of a STRUCTURE constructed or erected whether temporary or permanent, movable or immovable, but for the purposes of the PLAN does not include:

- (a) Any scaffolding or other temporary construction erected for maintenance work.
- (b) Support STRUCTURES for electricity lines, telecommunication or radiocommunication activities.
- (c) Any retaining wall retaining earth less than 1.2m in HEIGHT, or any wall or fence, other than a retaining wall, not exceeding 2m.
- (d) Any tank or pool including any structural support thereof, not exceeding 2000 litres capacity and not more than 2.0m in HEIGHT above NATURAL GROUND LEVEL.
- (e) Any deck, terrace platform or road surface less than 1m above NATURAL GROUND LEVEL.
- (f) Any tent, marquee or air STRUCTURE erected for less than one month.
- (g) Any vehicle and any chattel whether fixed or movable unless such vehicle or chattel is used as a place or as part of a place of residence, business or storage.
- (h) Stock loading or unloading facilities.
- (i) Any STRUCTURE less than 5m² in GROSS FLOOR AREA and 2m in HEIGHT.

BUILDING PLATFORM means land that is suitable and practical for accommodating a DWELLING UNIT or other intended BUILDING having regard to soil conditions, gradient, access, NATURAL HAZARDS, INDIGENOUS VEGETATION and habitat, amenity, health and safety, all in terms of the Building Act 2004 and the Council's Code of Practice for Subdivision and Development.

BUILDING RECESSION PLANE: means the three dimensional plane(s) used to manage the height and location of buildings and structures in relation to the NATURAL GROUND LEVEL of boundaries of the site on which they are located.

BUILDING SAFETY ALTERATIONS: (only applicable to heritage provisions) means any work that improves the safety of a heritage building, including fire and disability access.

CAMPING GROUNDS/MOTOR CAMPS: means land used for the accommodation of motor homes, caravans and tents, including providing cabins, ablution and amenity facilities, used for the temporary or semi-permanent accommodation of paying guests.

CHILDCARE FACILITY: means a facility for the care and/or education of children with five (5) or more children under the age of seven (7), including but not limited to crèche, day care centre, kindergarten, Kohanga Reo, playgroups and day nurseries; such facilities shall not provide for overnight stays, and does not include HOME BASED CHILDCARE SERVICES and EDUCATION FACILITIES.



COASTAL PROTECTION AREA: is the extent of the district's coastal environment and means land within the district seaward of the line as the inland boundary of the Coastal Protection Area on the District Plan Maps.

COMMERCIAL ACTIVITY: includes trade, commerce and professions such as post offices, shoe repairs, tourist agencies, hairdressers, dry cleaners and other similar uses with functions and characteristics that are similar to retail activities but does not include a HOME OCCUPATION, INDUSTRIAL ACTIVITY, RETAIL ACTIVITY, OFFICE, COMMERCIAL GARAGE/VEHICLE SALES YARD, TRADE AND SERVICE ACTIVITY or VEHICLE SERVICE STATION.

COMMERCIAL ACTIVITY: (only applicable to activities on the surface of waterbodies) includes business activities for commercial gain, including but not limited to the following: jet boating, fishing charters, and rafting.

COMMERCIAL GARAGE/VEHICLE SALES YARD means land or any premises where motor vehicles are sold, leased, hired, repaired, maintained, cleaned, re-fuelled, panel beaten, overhauled, painted, or housed; and includes the retail sale of motor vehicle accessories ancillary to that activity.

COMMUNITY ACTIVITY: means any BUILDING, grounds or place owned or used by sectors of the community for recreational, sporting, cultural, religious or similar community purposes, including churches, marae, parks, clubs and recreational facilities, but not including schools. COMMUNITY ACTIVITY also means the activity taking place inside or on the above BUILDINGS or grounds, but does not include PRIVATE FUNCTION CENTRES/FACILITIES.

CONCEPT PLAN: means a plan of a Rural Industrial Zone site showing the following:

- (a) Position of all SITE boundaries.
- (b) Location and extent of building envelopes, height limits (if necessary) general activity groupings, existing and proposed developments.
- (c) Location of car parking (when provided), site access, manoeuvring vehicle loading areas, solid waste storage and treatment areas, liquid treatment and disposal areas.
- (d) Location and extent of all existing and proposed landscaping, screening and buffering.

CONTIGUOUS INDIGENOUS VEGETATION means areas of indigenous vegetation having boundaries that make contact and effectively form a continuous area of indigenous vegetation that is not already bisected by roads, infrastructure, buildings, fences or drains.

CONTROLLED ACTIVITY: has the same meaning as defined in the Resource Management Act 1991.

DEFERRED ZONING: means zoning that is identified but is not available immediately. Availability of deferred zones occurs once at least 75% of allotments in the existing zones have been subdivided and approval has been granted under section 224 of the Resource Management Act 1991. The deferred status can be removed by way of a Council or private plan change, or by Council passing a resolution confirming that the 75% allotment thresholds has been exceeded. For areas identified as having Deferred Zoning, the Rural Zone provisions apply until such time as the Deferred zoning status is uplifted.

For example, the Deferred Residential Zone on the western side of Hāwera is subject to Rural Zone rules and performance standards.

DEFINED PEDESTRIAN FRONTAGE: means the boundaries identified as "Defined Pedestrian Frontage" on the planning maps in the town centres of Hāwera, Eltham and Ōpunakē.

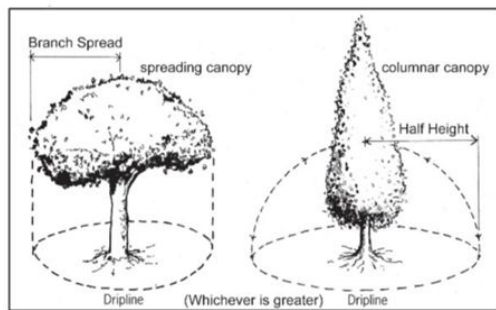
DESIGNATION: has the same meaning as defined in the Resource Management Act 1991.

DIRECTIONAL SIGN: means any SIGN erected on the road reserve by or on behalf of the road controlling authority (New Zealand Transport Agency or South Taranaki District Council). These include all traffic control SIGNS such as stop SIGNS, safety and hazard signs, posted speed limit SIGNS and hazard warning SIGNS, and also include SIGNS like "Road Open" and all regulatory traffic and official signs approved by the relevant road controlling authority or provided for under any legislation and which are erected on a road.

DISCRETIONARY ACTIVITY: has the same meaning as defined in the Resource Management Act 1991.

DRIPLINE (relevant to notable trees), means the area (whichever is greater) of:

- (a) The line formed when a vertical line from the outermost extent of the spread of a tree's branches or canopy meets to ground; or
- (b) The line formed at a radius of half the height of the tree measured from the base of the trunk (see below diagram).



DWELLING UNIT: means one or more interconnected rooms in all or part of a BUILDING which is designed, arranged, used or intended to be occupied as a complete, independent living facility as a RESIDENTIAL ACTIVITY.

EARTHQUAKE STRENGTHENING: (only applicable to heritage provisions) means any work that improves the structural performance of a HERITAGE BUILDING/OBJECT, particularly with respect to withstanding the effects of an earthquake.

EARTHWORKS: means the disturbance of land by contouring, moving, removing, placing or replacing soils or earth, or by excavation, cutting or filling operations. Excludes the cultivation of land, and holes for posts, piles, poles, trees or other plants.

EDUCATION FACILITIES: means land and/or buildings used to provide regular instruction or training and includes schools, tertiary education institutions, works skills training centres, outdoor education centres and sports training establishments. This does not include CHILD CARE FACILITIES.

EFFECT: has the same meaning as defined in the Resource Management Act 1991.

EMERGENCY FACILITIES: any service which provides critical services and includes fire, ambulance and police stations, and civil defence.

ENVIRONMENT: has the same meaning as defined in the Resource Management Act 1991.

ENTERTAINMENT ACTIVITY means any land or buildings used for the purpose of entertainment, or social or cultural enjoyment; and includes any licensed hotel/club, casino, cinema, theatre, electronic games facility and premises controlled by the Prostitution Reform Act 2003.

ESPLANADE RESERVE: has the same meaning as defined in the Resource Management Act 1991.

ESPLANADE STRIP: has the same meaning as defined in the Resource Management Act 1991.

EXPLORATORY WIND GENERATION ACTIVITIES: mast, pole or any other support STRUCTURE to which anemometers and other meteorological devices or sensors are attached for the purpose of wind resource measurement and monitoring.

FARMING: means rural land use activities where the primary purpose is to produce livestock, vegetative matter and/or agricultural produce that relies on the productive capacity of land, and includes agriculture, pastoral farming, dairying and horticulture. For the avoidance of doubt, this includes:

- (a) Ancillary activities including the storage of products and initial processing of horticultural and agricultural products produced on site.
- (b) The storage and disposal of solid and liquid animal waste.
- (c) Greenhouses/glass houses with a permeable floor and where the soil profile is maintained.
- (d) Woodlots up to 5 hectares in area.

FORESTRY HARVESTING: means the harvesting of trees for commercial forestry, including indigenous trees specifically planted for commercial forestry purposes, for timber or other wood products or wood derivatives, but does not include the processing of trees for such products, such as sawmilling, chipping, dressing or preserving. It does not include harvesting of INDIGENOUS VEGETATION.

FORESTRY MAINTENANCE means the maintenance of trees for commercial forestry, including indigenous trees specifically planted for commercial forestry purposes, and includes but not limited to the activities of pruning, thinning, weed control and fertiliser application.

FORESTRY PLANTING (including plantation forestry): means the planting or replanting of trees for commercial forestry, including indigenous trees specifically planted for commercial forestry purposes, for timber or other wood products or wood derivatives.

GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT²): means land that is owned by Māori but does not include Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993).

GROSS FLOOR AREA: means the sum of the area of all floors of all BUILDINGS on a SITE, measured from the exterior faces of the exterior walls or from the centre line of common boundary walls separating two (2) abutting BUILDINGS, or, in the absence of walls, from the exterior edge of the floor, but excluding vehicle MANOEUVRING and PARKING SPACES, uncovered stairways and external terraces, balconies or porches.

HAZARDOUS SUBSTANCE: means, unless expressly provided otherwise by regulations in force under the Hazardous Substances and New Organisms Act 1996, any substance:

² S7.2 and S7.20



- (a) With one or more of the following intrinsic properties: explosiveness, flammability, a capacity to oxidise, corrosiveness, toxicity (including chronic toxicity), ecotoxicity (with or without bioaccumulation); or
- (b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in (a) of this definition.

HEALTH CARE SERVICES: any activity which provides services relating to physical and mental health and welfare and includes hospitals, acupuncturists, chiropractors, chiropractors, dentists, dieticians, homeopathy practitioners, medical practitioners, medical radiographers, medical social workers and counsellors, naturopathy practitioners, nurses, occupational therapists, opticians, optometrists, osteopaths, paediatricians, pharmacists, physiotherapists, podiatrists, psychotherapists, and psychologists.

HEAVY VEHICLE: means a motor vehicle that has a gross vehicle mass (GVM) exceeding 3500 kilograms.

HEIGHT: unless stated elsewhere in this Plan, means the vertical distance between the highest point of a BUILDING or STRUCTURE and the NATURAL GROUND LEVEL directly below that highest point, excluding lightning rods, GPS antenna, stacks, chimneys, vents and lift shafts with an area of less than 2m².

HERITAGE SETTING: (only applicable to heritage provisions) means the area between the listed heritage building or object on Schedule 1A of this Plan and the legal boundary of the SITE, except where the description of the item contained in Schedule 1A specifically deems otherwise.

HISTORIC HERITAGE: has the same meaning as defined in the Resource Management Act 1991.

HOLIDAY HOMES: means the residential use of DWELLING UNITS rented out to fee paying guests for short stays.

HOME BASED CHILDCARE SERVICE means the provision of education and/or care for up to (and including) four (4) children under the age of seven (7), in addition to any child who resides at the property in which the activity occurs.

HOME BASED VISITOR ACCOMMODATION means temporary accommodation such as Bed and Breakfasts, lodges and boarding accommodation for up to (and including) four (4) persons in addition to any person who resides at the property in which the activity occurs.

HOME OCCUPATION: means a business, occupation, craft or profession, excluding HOME BASED CHILDCARE SERVICE; the primary purpose of which is to derive income and which:

- (a) Is incidental and secondary to the residential use of the property;
- (b) Is undertaken or operated by a member of the household residing on the property on or in which the home occupation occurs plus one (1) other person (full time equivalent) who reside off the property and employed in the activity; and
- (c) Involves no delivery or collection of goods, materials, or wastes or visits for the home occupation outside the hours of 8.00 am to 6.00 pm; and
- (d) Involves no exterior storage, display, or other indication of the home occupation (other than an advertising sign permitted by this Plan).

HOUSING FOR THE ELDERLY: means a BUILDING and/or SITE used as a home under the Health and Disability Services (Safety) Act 2001 or any Act. It includes old people's homes, rest homes, pensioner housing developments, retirement villages and associated ancillary facilities such as medical,



recreational and other communal facilities which offer an exclusive service to residents occupying the HOUSING FOR THE ELDERLY.

INCIDENTAL EQUIPMENT: means equipment for facilitating utility transmission or distribution, including any fixture used or intended to be used for the transmission or distribution of electricity, telecommunications or any other utility forming part of, or used or intended to be used for the MAINTENANCE or functioning of telecommunications or electricity transmission, or distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy. This includes, but is not limited to:

- (a) Household connections.
- (b) Amplifiers and power boxes for telecommunication and radiocommunication activities.
- (c) Compressor stations for gas distribution pipes.

INDIGENOUS VEGETATION: means any species or naturally occurring variants of plants found naturally in New Zealand, including indigenous forest, regenerating areas of shrubland, and vegetation in wetlands, cliffs and other herb fields, but does not include:

- (a) Indigenous understory beneath plantation forestry; or
- (b) Indigenous species used in domestic landscaping and gardens

INDUSTRIAL ACTIVITY: means the primary use of land or premises for the purpose of manufacturing, fabricating, processing, conversion, repair, packaging, recycling, storage, collection, or distribution of goods; and includes the ancillary wholesale or retail sale of goods manufactured on the SITE. For the purpose of this definition, the following activities are excluded:

- (a) PETROLEUM EXPLORATION
- (b) PETROLEUM PRODUCTION
- (c) SMALL SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES
- (d) LARGE SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES.

INTENSIVE FARMING: means any pastoral, horticultural, aquacultural or similar agricultural activity which predominantly involves the housing or raising of animals, plants or other living organism within BUILDINGS or tightly confined enclosures where the stocking density precludes the maintenance of pasture or ground cover. It includes fish farms, pig, fish, rabbit, snail, poultry and mushroom farming, and animal feedlots, but does not include:

- (a) Horticulture undertaken in greenhouses,
- (b) Shearing sheds; and dairy milking sheds;
- (c) Keeping, rearing or breeding of poultry of 20 or fewer birds; and
- (d) The keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned).

INTERNAL ALTERATION: (only applicable to heritage provisions) means any change to the physical fabric of the interior of a listed heritage building or object on Schedule 1A of this Plan. This includes the removal or replacement of internal walls, ceilings, floors and doors, internal plumbing and rewiring, and replacement of minor fittings and fixtures.



IWI AUTHORITY: has the same meaning as defined in the Resource Management Act 1991.

KAITIAKITANGA: has the same meaning as defined in the Resource Management Act 1991.

LANDFARMING: means the deposition of petroleum drilling wastes onto land and their subsequent spreading and incorporation into the soil, for the purpose of attenuation of hydrocarbon and/or other contaminants and includes any stripping and relaying of topsoil.

LARGE SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES: means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. Includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.

LINE: means a wire or wires or a conductor of any kind (including fibre optic or other cable) used or intended to be used for telecommunication, or the conveyance of electricity and includes any pole, support STRUCTURE, pole mounted transformer, overhead substation, insulator, casing, minor fixture, tunnel or other equipment or material used or intended to be used for supporting, enclosing, surrounding or protecting any such wire or conductor, and also includes any part of a line. It includes transmission lines as defined in the Resource Management (National Environmental Standards for Electricity Transmission Activity) Regulations 2009. It does not include lines as part of an AMATEUR RADIO CONFIGURATION.

LOADING BAY: means that part of a SITE or BUILDING used for loading and unloading of vehicles exclusive of vehicle ACCESS, aisles and MANOEUVRING SPACE, and situated on the SITE it is intended to serve.

MAINTENANCE: In relation to a NETWORK UTILITY, means any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing NETWORK UTILITY. It includes the replacement of an existing line, BUILDING, STRUCTURE or other facility with another of the same or similar height, size and scale, within the same or similar position and for the same or similar purpose. It also includes the addition of extra lines to existing or replacement poles or other support STRUCTURES.

MAINTENANCE: (only applicable to the historic sites or sites of significance to tangata whenua in Schedule 1B) means mowing grass and lawns, general gardening, tree trimming, but does not include new EARTHWORKS, landscaping or fencing. For existing BUILDINGS, STRUCTURES and SIGNS within a scheduled historic site, it means the continuous care, repair and/or reinstatement of the BUILDING, STRUCTURE or SIGN.

MANA WHENUA: has the same meaning as defined in the Resource Management Act 1991.

MANOEUVRING SPACE: means the area of land excluding PARKING SPACE (when provided) within a SITE required to enable a vehicle both to enter and to exit a SITE via the vehicle ACCESS in a forward motion.

MARAE: means the land and buildings for the use of a Māori community family, hapū or tribe, and includes wharenuī (meeting house), wharekai (dining rooms), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church), and other marae-based facilities, such as papakainga-development³, community activities, kohanga, childcare activities, and health care facilities, and urupā.

³ S7.2 and S7.20

MAST: means any mast, pole, tower or similar STRUCTURE designed to carry antennas, or other apparatus to facilitate TELECOMMUNICATION AND RADIOCOMMUNICATION, or AMATEUR RADIO CONFIGURATION.

METEOROLOGICAL ACTIVITIES: means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links, anemometers and wind vanes.

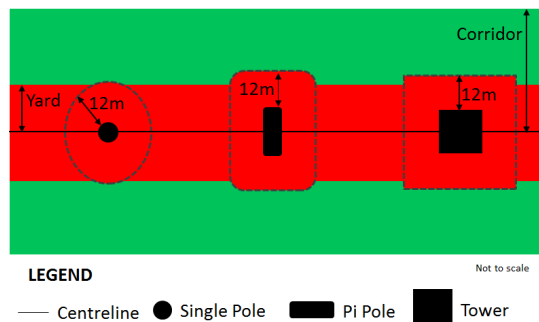
MINOR DWELLING UNIT: means a smaller DWELLING UNIT, up to 60m² in gross floor area, for use as a complete independent living facility and may shares services, access and parking with the main DWELLING UNIT on the same SITE.

NATIONAL GRID: has the same meaning as in the National Policy Statement on Electricity Transmission (2008) and is identified as the “National Grid Line” on the Planning maps.

NATIONAL GRID SUBDIVISION CORRIDOR: means the area measured either side of the centreline of the aboveground National Grid line as follows:

- (a) 16m for the 110kV lines on pi poles.
- (b) 32m for the 110kV lines on towers.
- (c) 37m for the 220kV transmission lines.

NATIONAL GRID YARD: (shown in red in diagram below) means the area located 12 metres in any direction from the outer edge of a National Grid support STRUCTURE; and the area located 12 metres either side of the centreline of any overhead National Grid line on pi poles or towers.



Note: The NATIONAL GRID YARD does not apply to underground cables or any transmission lines (or sections of line) that are designated.

NATURAL GROUND LEVEL: means the level of the ground based on the natural contours of the land and shall not include EARTHWORKS which have resulted or will result from work undertaken as part of the construction of any BUILDING or development of the SITE.

NETWORK UTILITY: means any activity, BUILDING or STRUCTURE, including INCIDENTAL EQUIPMENT, relating to:

- (a) Distribution or transmission by pipeline of natural or manufactured gas, petroleum or geothermal energy.
- (b) Telecommunication or radio-communication.
- (c) Transformation, transmission or distribution of electricity.



- (d) The holding, transmission and distribution of water for supply.
- (e) Stormwater drainage or sewerage reticulation systems.
- (f) Beacons and natural hazard emergency warning devices.
- (g) Meteorological services.
- (h) A project work described as a “network utility operation” by regulations made under the Resource Management Act 1991.
- (i) Roads and STRUCTUREs associated with the operation of roads such as signs, traffic signals or streetlights.
- (j) Railways and STRUCTUREs associated with the operation of railways such as signs and traffic signals.

NETWORK UTILITY BUILDING: means STRUCTUREs containing NETWORK UTILITIES needing to be kept out of the weather, such as pump houses, weather stations and meteorological enclosures, but does not include cabinets or electricity substations.

NET SITE AREA: means the total area of a site for the exclusive use of a single DWELLING UNIT including but not limited to, any area provided for PARKING SPACE or MANOUVRING SPACE and BUILDINGS, but does not include land held in common ownership, communal open space, communal PARKING SPACES or ACCESS, or ACCESS LEGS to a rear site.

NO NET LOSS: means in relation to effects on indigenous biodiversity, no overall reduction in biodiversity, as measured by type, amount and condition.

NOISE SENSITIVE ACTIVITY: means RESIDENTIAL ACTIVITIES, VISITOR ACCOMMODATION, RESIDENTIAL CARE FACILITIES, MARAE, PAKAĀINGA DEVELOPMENT⁴, HOUSING FOR THE ELDERLY, hospitals, HEALTHCARE FACILITIES, CHILDCARE FACILITIES, and EDUCATION FACILITIES.

NON COMPLYING ACTIVITY: has the same meaning as defined in the Resource Management Act 1991.

NOTIONAL BOUNDARY: means a line 20 metres from any part of a DWELLING UNIT, or the legal boundary of any site where this is closer to DWELLING UNIT.

OFFICE: means commercial, professional, or administrative office; and includes any bank and premises offering financial services.

OPEN SPACE: means any Council or Crown owned land which is used and developed for formal or informal recreation activities that do not take place in BUILDINGS.

PAKAĀINGA DEVELOPMENT⁵: means the ~~integrated~~ development of multiple DWELLING UNITS, that may include Marae, home occupations⁶, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993) or general title land that is ancestral land⁷.

⁴ S7.2 and S7.20

⁵ S7.2 and S7.20

⁶ S5.9

⁷ Consequential amendment as a result of S7.6, S5.5 and others



PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.⁸

PARKING SPACE: means an area provided on SITE for the parking of vehicles either within or outside a BUILDING, with a surface area of usable shape exclusive of vehicle ACCESS, aisles and MANOEUVRING SPACE.

PEAK PARTICLE VELOCITY (ppV) TESTING: means a test, or tests to ascertain the potential for vibration from a known seismic source output and the setting of appropriate offset distances for seismic surveys.

PETROLEUM ACTIVITY RISK AREA (for petroleum exploration and petroleum production provisions): means:

- the area defined as the 1×10^{-6} individual fatality risk contour contained in one or more allotments, sections or parcels in relation to which the operator of a petroleum exploration and petroleum production activity (currently established or proposed to be established) either owns or has an enforceable interest in (including lease, covenant, and legal contract); and
- precludes the establishment or operation of sensitive activities for the duration of the operation of the petroleum exploration and petroleum production activity within this area.

PETROLEUM ACTIVITY RISK CONTOUR (for petroleum exploration and petroleum production provisions): means the 1×10^{-6} individual fatality risk contour shown on the Planning Maps.

PETROLEUM EXPLORATION: any activity undertaken for the purpose of identifying petroleum deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more petroleum substances; and includes any drilling, dredging, excavations (whether surface or sub-surface), hydrocarbon testing, initial production and associated site development activities that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and “to explore” has a corresponding meaning.

PETROLEUM PRODUCTION: any activity undertaken for the purpose of extracting and processing petroleum substances into a usable product.

PROSPECTING: any activity, and the use of associated equipment, undertaken for the purpose of identifying locations likely to contain useable mineral energy resources, and includes:

- (a) Geological, geochemical, and geophysical surveys (i.e. seismic surveys);
- (b) The taking of samples by hand or handheld methods; and
- (c) Aerial surveys.

PRINCIPAL BUILDING: means the main BUILDING associated with the primary use of a SITE, but does not include ACCESSORY BUILDINGS.

PRIVATE FUNCTION CENTRE/FACILITY: means any privately owned SITE, BUILDING, grounds or place leased to and/or used by members of the community for private events, concerts, meetings, functions, receptions, ceremonies, multi-use events or similar activities. This does not include COMMUNITY ACTIVITIES or TEMPORARY ACTIVITIES.

PROHIBITED ACTIVITY: has the same meaning as defined in the Resource Management Act 1991.

⁸ S7.6 and S5.5



REAL ESTATE SIGN: means a SIGN (including banners and flags) advertising real estate (land, and buildings on land).

REDECORATION: (only applicable to the heritage provisions) means the renewal, restoration, or new applications of: surface finishes, coatings, painting, decorative elements, minor fittings and fixtures, and floor coverings, excluding paint on previously unpainted surfaces. Includes the application of finishes and coatings to repaired fabric and preparation of surfaces for redecoration (e.g. washing but excludes sandblasting).

REGIONALLY SIGNIFICANT WETLAND: means a wetland that is a habitat type identified and described in Schedule 6 of the District Plan as having significant indigenous biodiversity values.

RELOCATED BUILDING means any secondhand BUILDING which is transported in whole or in parts and relocated from its original location to a new location, including relocation within the same site. This includes relocation of ACCESSORY BUILDINGS and shipping containers where the latter are converted for habitable purposes.

REPAIR: (only applicable to the heritage provisions) means to improve the long-term condition of a BUILDING by using identical or closely similar materials to make good any damaged or decayed fabric. Repairs include re-pointing deteriorated brickwork, putting right damaged timberwork and replacing corroded or deteriorated roofing material.

RESIDENTIAL ACTIVITY: means any activity normally undertaken by people living in a DWELLING UNIT or ACCESSORY BUILDINGS such as sleep outs and includes activities ancillary to the primary residential use such as hobbies. This does not include HOME OCCUPATIONS, RESIDENTIAL CARE FACILITIES or HOUSING FOR THE ELDERLY.

RESIDENTIAL CARE FACILITY: means the use of a residential dwelling and site where up to five unrelated people live together and receive care on a 24 hour basis to assist with independent living.

RETAIL ACTIVITY: means any activity which involves the exchange of goods to the public through sale, rental, lease or other form of agreement and includes restaurants (including fast food outlets), but does not include a COMMERCIAL ACTIVITY, VEHICLE SERVICE STATION, COMMERCIAL GARAGE/VEHICLE SALES YARD, TRADE AND SERVICE ACTIVITY, or the wholesale or retail sale of goods on the same site that they were manufactured, which is included as an INDUSTRIAL ACTIVITY.

RURAL SERVICE ACTIVITY: means service activities that are related to FARMING, FORESTRY HARVESTING and INTENSIVE FARMING including but not limited to seed cleaning, rural contractors, small-scale rural engineering or repair services, rural transport and machinery hire, stock transportation and grain drying, but does not include an INDUSTRIAL ACTIVITY.

SEISMIC SURVEY: means any survey undertaken for the purpose of petroleum exploration or production that uses explosives as the seismic energy source.

SENSITIVE ACTIVITY: means any of the following activities: RESIDENTIAL ACTIVITIES, VISITOR ACCOMMODATION, COMMUNITY ACTIVITIES (including Marae), OPEN SPACE, CAMPING GROUNDS/MOTOR CAMPS, EDUCATION FACILITIES, PAKAĀINGA-DEVELOPMENT⁹, HOUSING FOR THE ELDERLY, RESIDENTIAL CARE FACILITIES, CHILDCARE FACILITIES, cafés, restaurants, and hospitals. For activities in the NATIONAL GRID YARD, OPEN SPACE is excluded from the definition of SENSITIVE ACTIVITY.

SIGN: means any object or device including banners and flags or part thereof which is used to advertise, identify, display, direct or attract attention to an opinion, object, person, institution, organisation,

⁹ S7.2 and S7.20



business, product, service, event or location by any means, including words, letters, figures, designs, symbols, emblems or trademarks, or motion, illumination or projected image and shall also include any of the foregoing things when displayed on a stationary vehicle, but shall exclude signs not visible from the road reserve or other public place.

SIGNIFICANT HAZARDOUS FACILITY: means any facility which involves one or more of the following activities.

- (a) Manufacturing and associated storage of hazardous substances (including manufacture of agrichemicals, fertilisers, acids/alkalis or paints).
- (b) Petroleum exploration and petroleum production
- (c) The storage/use of more than 100,000L of petrol.
- (d) The storage/use of more than 50,000L of diesel.

For (c) and (d), excludes the underground storage of petrol at retail service stations undertaken in accordance with HSNOCOP 44 Below Ground Stationary Container Systems for Petroleum – Design and Installation and HSNOCOP 45 Below Ground Stationary Containers Systems for Petroleum – Operation.

- (e) The storage/use of more than 6 tonnes of LPG.
- (f) Galvanising plants.
- (g) Electroplating and metal treatment.
- (h) Tanneries.
- (i) Timber treatment.
- (j) Freezing works and rendering plants.
- (k) Wastewater treatment plants.
- (l) Metal smelting and refining (including battery refining or re-cycling).
- (m) Milk processing plants (except where milk processing plant is specifically designed to contain and store milk so that any reasonably potential spillage of milk is contained within the site of the plant until it can be disposed of to an approved wastewater system).
- (n) Fibreglass manufacturing
- (o) Polymer foam manufacturing
- (p) Asphalt/bitumen manufacture or storage
- (q) Landfills
- (r) Refrigerated food processing sites/warehouses.

For the purpose of this definition, facility means the immediate part of a site where the listed activity takes place, rather than the entire site with which the activity is associated. Parts of a site that do not contain an activity listed above are not subject to this definition.

SITE: means all that land contained in one or more allotment, section or parcel upon which an activity is currently established or is proposed to be established.



SMALL SCALE RENEWABLE ELECTRICITY GENERATION: renewable electricity generation at a capacity of no greater than 20 kW for the purpose of using or generating electricity on a particular SITE, or supplying an immediate community, or connecting into the distribution network, and includes generation using solar, wind, hydro and biomass energy resources.

STRUCTURE: means any building, equipment, device or other facility made by people and which is fixed to the land.

TANGATA WHENUA: has the same meaning as defined in the Resource Management Act 1991.

TELECOMMUNICATION AND RADIOCOMMUNICATION ACTIVITIES: in relation to telecommunications, has the same meaning as telecommunication as that term is defined by Section 5 of the Telecommunications Act 2001 and in relation to radiocommunications has the same meaning as defined by Section 2(1) of the Radiocommunications Act 1989.

TEMPORARY ACTIVITY: means any short term activity and any buildings and structures associated with that activity and includes, but is not limited to:

- (a) Any event such as a gala, a sports event, a festival, a market or an outdoor music event; or;
- (b) Any short term filming activities.

It does not include TEMPORARY MILITARY TRAINING ACTIVITIES.

TEMPORARY MILITARY TRAINING ACTIVITY: means a temporary military activity undertaken for defence purposes. Defence purposes are those defined in Section 5 of the Defence Act 1990.

TIKANGA MAĀORI: has the same meaning as defined in the Resource Management Act 1991.

TRADE AND SERVICE ACTIVITY means business engaged in sales to businesses, and the general public, but wholly consists of sales in one (1) or more of the following categories:

- (a) Automotive and marine supplies.
- (b) Buildings supplies.
- (c) Garden and landscaping supplies.
- (d) Farming and agricultural supplies.
- (e) Hire services (excluding hire of books, DVD and video).
- (f) Office furniture, equipment and systems supplies.

TRIMMING and MAINTENANCE (relevant to notable trees), means the trimming and maintenance necessary to maintain the health of the tree, or the removal of branches interfering with or anticipated to interfere with buildings, structures, overhead wires or utility networks, or likely to compromise the effective operation of those overhead wires or utility networks and only where work is carried out by a Council approved arborist which has advised the Council in advance of the work to be carried out.

UNACCEPTABLE RISK (for significant hazardous facilities provisions): means exposure of sensitive activities (including residential dwelling) to an individual fatality risk level exceeding 1×10^{-6} per year.

UNUSUAL HEAVY VEHICLE TRAFFIC: means any new HEAVY VEHICLE traffic movements which significantly increase, (by more than 150%), the existing annual average daily number of HEAVY VEHICLE movements on any road.



Advice Note: AADT is to be calculated in accordance with best practice industry standards, (e.g. Austroads Guide to Traffic Management Part 3: Traffic Studies and Analysis, Second Edition April 2013). Where a broad counting program has been established and seasonal patterns identified, the AADT at a particular location may be estimated by multiplying a sample count (e.g. two seven days duration) by the seasonal adjustment factor derived from a Pattern Station representative of the required location:

i.e. $(AADT)_j = ADT_{ij} \times (Seasonal\ factor)_{i,k}$

where $(AADT)_j$ is the required location j .

$(ADT)_{ij}$ is the sample count in the season (month, week etc) i at the location j

$(Seasonal\ Factor)_{i,k}$ is the adjustment factor for season (month, week etc.) i at pattern station, k , representative of the required location j

The Council will generally have AADT volumes on record which are based on a seven day count, however if data is not available or is considered to be out of date, the Council may request that the applicant obtain sample traffic count data to calculate the AADT.

UPGRADING: As applied to electricity or telecommunications LINES means an increase in the carrying capacity of, or efficiency or security of, the LINE utilising the existing support STRUCTURES or STRUCTURES of a similar scale, size and character, and includes:

- (a) The addition of circuits and conductors;
- (b) The reconductoring of the line with higher capacity conductors;
- (c) The retagging of conductors;
- (d) The addition of longer and more efficient insulators;
- (e) The addition of earthwires, which may contain telecommunication lines, earthpeaks and lightning rods;
- (f) The bonding of conductors;
- (g) The addition of electrical or telecommunication fittings, excluding antenna;
- (h) The replacement of support structures in the same location or within the existing alignment of the electricity line;
- (i) The replacement of existing cross arms, including with cross arms of an alternative design;
- (j) An increase in support structure HEIGHT to achieve compliance with the clearance distances specified in NZECP34:2001;
- (k) An increase in support structure HEIGHT by not more than 15% of the base HEIGHT of the support structure, and where the base HEIGHT is defined as the HEIGHT of the structure at date of public notification of the Plan.

Upgrading shall not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage.

OR



As applied to other NETWORK UTILITIES, means the replacement, repair or renewal of existing NETWORK UTILITIES but does not extend to any increase in height or size, or change in location whereby such work would not comply with a permitted activity standard.

USE: has the same meaning as defined in the Resource Management Act 1991.

VEHICLE CROSSING: means the section of any access from the front of the legal boundary to the formed road, and includes any culvert, bridge or kerbing.

VEHICLE SERVICE STATION means any land or premises used principally for the retail sale of motor vehicle fuels and for the re-fuelling and servicing of vehicles; incorporating activities which are incidental to the principal re-fuelling activity including the retail sale of motor vehicle accessories, oils, spare parts, and the retail sale of convenience goods; and ancillary services including mechanical repairs, warrant of fitness testing, tyre servicing, the mechanical washing of vehicles, and the hire of vehicles.

VISITOR ACCOMMODATION: any building or buildings offering temporary accommodation and includes (but is not limited to) hotels, motels, backpacker's accommodation, hostels and youth hostels. It does not include CAMPING GROUNDS/MOTOR CAMPS, HOLIDAY HOMES or HOME BASED VISITOR ACCOMMODATION.

WAHI TAPU has the same meaning as defined in the Heritage New Zealand Pouhere Taonga Act 2014.

WASTE DISPOSAL FACILITY: means any facility accepting, storing, processing and disposing of solid and/or hazardous waste onto or into land where the waste is not generated on-site.

WASTEWATER TREATMENT FACILITY: means any land and/or buildings used for the purpose of storage and/or treatment and/or disposal of wastewater. It does not include any on-site wastewater disposal system.

WATERBODY: has the same meaning as defined in the Resource Management Act 1991.

WETLAND: has the same meaning as defined in the Resource Management Act 1991.

APPENDIX 1.2 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
- The recommended changes in response to submissions are shown with blue underline for new text and ~~blue strikethrough~~ for deleted text.

SECTION 2: OBJECTIVES AND POLICIES

The District Plan sets out “objectives” being the end state or outcome that the District Plan aims to achieve or maintain for a particular zone, area or resource. The “policies” are the course of action being followed through the District Plan to achieve the objectives. Each set of policies has an “explanation” that offers further clarity and understanding to the policies framework. The “methods” show how the policies would be implemented.

The objectives and policies set out in Section 2 provide the policy framework that any resource consent application, notice of requirement or District Plan Change will be assessed against. It is likely that a number of objectives and policies will be applicable to any proposal, and therefore no single objective or policy should be considered in isolation. An overall broad judgement of the proposal should be made against all relevant objectives and policies

Section 2.1 Rural Zone

Issues

- 2.1.1** Need to provide for productive land use and other complementary rural based activities while ensuring the adverse effects on the rural environment are not excessive and do not result in incompatibility between different land uses.
- 2.1.2** Rural subdivision can provide for economic and lifestyle/living opportunities but can also negatively impact on the functioning of productive and other rural land use activities, rural character and amenity values, and create demand for services.

Land Use Activities

The Rural Zone covers the majority of the South Taranaki District, and is an important land resource resulting from the interaction of climate, topography and soil type. The characteristics of the rural environment are shaped by the interaction between natural and physical resources and human activities. Rural character, amenity values and productive use of rural land resources underpins the social, economic, and cultural wellbeing of the District.

The rural environment has been, and continues to be used in many different ways to support and provide for those living in South Taranaki. The predominant activity in the South Taranaki rural

environment is dairy farming which extends across the fertile ring plain. Over time the nature of dairy farming has undergone changes, such as an increase in average farm area and stocking rate per hectare, coupled with an increase in the use of off-farm supplements. The changing nature of farming practice has resulted in changes to the scale and nature of actual and potential effects on the environment.

The present day rural environment supports a variety of other land based farming activities including dry stock farming, cropping, horticulture, exotic forestry, small niche farming land uses, and rural service activities. The nature and distribution of farming activities is largely determined by natural patterns of landform, climate and soil type. These farming activities typically have an assortment of buildings and equipment, such as packing and processing sheds, milking sheds, fertiliser depots and rural contractor's yards. Infrastructural and other industrial-type activities also occur in the Rural Zone, such as network utility facilities (e.g. transmission lines), quarrying, aggregate processing and gravel extraction, all of which are critical to the functioning of the District.

The above activities play a large role in the formation of a common rural character and amenity. Rural amenity values include landscape and scenic values, individual privacy, open rural outlook and open space, vegetation prevailing over built elements, openness, and ease of access, clean air, unique odours, overall quietness, water availability and the wellbeing of the community. Productive working environments are common and may contain large utilitarian buildings associated with farming. In general, buildings or structures are typically relatively low, and non-urban in density, with generous setbacks from external property boundaries, and with the height, scale, density and number of buildings not dominating the landscape and open space qualities of the rural environment. Properties are self-serviced with respect to water supply, wastewater disposal, and stormwater management.

While most of these activities are generally considered acceptable, they have the potential to generate adverse effects on the rural environment, depending on their size and location, and the proximity and sensitivity of adjacent land uses. Effects that can be experienced beyond the boundaries of the site (which sometimes cannot be avoided) include dust, odour, vibration, noise, traffic, visual dominance and location effects of buildings, and intrusion on privacy. Machinery noise, stock movements, burning and spraying are necessary and usual aspects of life in a rural area.

Some types of activities that are generally not considered appropriate in the rural environment are commercial, retail and industrial activities. These may be incompatible with rural character and amenity values, or create conflict with other existing lawfully established activities. Furthermore, these other activities may introduce urban characteristics or features, and they lend themselves to be more appropriately located in an urban location, where the servicing, infrastructure and facilities are more suitable to assist in avoiding, remedying or mitigating their potential adverse effects.

Avoidance of inappropriate and incompatible land uses that are contradictory to the rural environment's location-specific values is important to maintain environmental quality and ensure that the productive use of land resources (for a resilient and diverse economy) is not compromised. There is a need to strike a balance between providing for a range of uses and development of natural and physical resources, and the preservation of that character, and those amenity values (such as vegetation prevailing over built elements, open space, privacy, ease of access and landscape and scenic values).

Rural Subdivision

Subdivision and subsequent use of rural land in particular can impact on the quality and functioning of the rural environment by affecting amenity values and rural character. It can also impact on the efficient and successful functioning of farming activities.

Cumulative pressures and demands for rural subdivision can generate tensions between those who opt for a rural lifestyle for open space, privacy, peace and quiet, and scenic values and those who rely on the productive capability of the rural land resource. Rural living can result in reverse sensitivity conflicts, as

residents with higher expectations of amenity move into a rural environment, where previously, noise, dust and stock movements were generally considered a usual aspect of the rural environment. If increasing density of rural subdivision is allowed in close proximity to existing intensive farming activities, it can undermine the viability of farming activities should complaints about heavy traffic or objectionable noise, dust or odour arise. Increasing density of subdivision can also intensify pressure on the range of infrastructure servicing (roads and reticulated services), which also conflicts with infrastructure services for intensive farming activities (e.g. if rural roads are expected to be of a higher quality).

A key challenge in the management of the rural environment is the desire to provide for such rural lifestyle opportunities and other sensitive activities in a manner that protects existing rural activities from reverse sensitivity effects. The rural environment is valued for a variety of uses and purposes, therefore the Council has a responsibility to maintain this environment, and allow people to appreciate and enjoy rural lifestyles, while also enabling farming activities to operate without unreasonable restriction.

In response to this issue, and the reverse sensitivity issues of rural subdivision on farming activities, rural-residential living opportunities should be of a size, intensity and scale that is consistent with productive land uses so that the wider rural environment and associated land use activities are not compromised.

Objectives

- 2.1.3** To ensure that subdivision, land use and development in the rural environment is of a nature, scale, intensity and location that maintains and, where appropriate, enhances rural character and amenity values.
- 2.1.4** To enable the efficient and effective functioning of farming and rural based activities, and ensure that activities are not inhibited by adverse effects of new incompatible land uses.

Policies

Rural Subdivision

- 2.1.5** Provide for rural subdivision at a scale, design and intensity where it is compatible with the character and qualities of the surrounding environment, and limit more intensive or poorly designed subdivision where the character and qualities would be degraded or compromised.
- 2.1.6** Manage larger-scale and more intensive subdivision, land use and development to maintain and, where appropriate, enhance the attributes that contribute to rural character and amenity values, including:
 - (a) Productive working landscape.
 - (b) Predominance of vegetation of varying types (pasture, crops, forestry, amenity plantings) over buildings.
 - (c) Varying forms, scales and separation of buildings and structures associated with the use of the land.
 - (d) Low population density relative to urban areas.

- (e) On-site servicing and a general lack of urban infrastructure such as street lighting and footpaths.

- 2.1.7** Residential subdivision and use at the periphery of the Township Zones is appropriate, if on-site servicing is achievable, reverse sensitive effects are avoided, and where adverse effects on the established character and amenity of the township are avoided, mitigated or remedied.

Rural Amenity and Character

- 2.1.8** Manage the adverse effects of noise, vibration, odour, dust, traffic, glare and other nuisances from land use activities and development through relevant performance standards and appropriate spatial buffers and setback requirements for specific activities.
- 2.1.9** Ensure that new land use activities are of a nature, scale, intensity and location consistent with maintaining the character and amenity of the rural environment, and avoids or mitigates potential reverse sensitivity effects.

Land Use Activities

- 2.1.10** Provide for the establishment and operation of farming activities which rely on a location in the rural environment, provided they avoid, remedy or mitigate adverse effects without unduly affecting landowner's ability to use their land productively.
- 2.1.11** Provide for the establishment and operation of new non-farming activities and the ongoing operation of existing lawfully established activities which are compatible and / or associated with farming activities in the rural environment, provided they avoid, remedy or mitigate adverse effects.
- 2.1.12** Minimise, and where possible, avoid subdivision, land use and development that has the potential to inhibit the efficient use and development of versatile land for farming purposes or other lawfully established rural activities or rural industrial activities in an adjoining Rural Industrial Zone.

Buildings (Location, Design and Setbacks)

- 2.1.13** Reduce obtrusive built elements in the rural environment by integrating building location and design with the surrounding landform and landscape qualities, while recognising that the location and design of some buildings, and infrastructure is influenced by their function and/or resource constraints.
- 2.1.14** Avoid, remedy or mitigate adverse effects on rural privacy and rural character in the Rural Zone by maintaining road and site boundary setbacks for all buildings, while recognising that the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots.
- 2.1.15** Manage potential reverse sensitivity conflict between farming, other rural activities and sensitive activities through appropriate separation distances or other measures, while giving priority to existing lawfully established activities.

Industrial, Forestry and Aggregate/Soil Extraction

- 2.1.16** Provide for small scale soil and aggregate extraction activities by controlling the scale and location of extraction and the need to internalise environmental effects within the site.



- 2.1.17 Ensure that activities based on the extraction or processing of rural products, as well as large scale soil and aggregate extraction activities, avoid, remedy or mitigate potential adverse effects on the surrounding environment and that the environmental effects are internalised on site as much as possible.
- 2.1.18 Encourage industrial activities not based on rural servicing or the processing of rural products to establish in the Industrial Zone in an urban centre where this is an appropriate location for such an activity.

Health, Safety and Traffic

- 2.1.19 Control the scale, intensity, size and design of rural subdivision and land development so that on-site wastewater treatment and disposal systems do not result in contamination of soil, groundwater or other natural resources.
- 2.1.20 Ensure that rural residences can access on-site sufficient quantities of potable water to avoid risks to human health and amenity.
- 2.1.21 Manage the effects of heavy vehicle movements from rural activities on the environment, including cumulative effects on the safety and efficiency of the District's roading network.

Explanation of Policies

The policies seek to provide for a range of farming and rural-industrial type activities in the rural environment, while maintaining rural amenity, open space, privacy, ease of access and landscape and scenic values associated with the rural environment that are enjoyed by the community. It is recognised that farming is the principal land use in the Rural Zone and the District Plan enables these activities (and commonly associated and ancillary activities) to occur. Rural land use activities which have the potential to generate adverse effects on the environment (e.g. rural subdivision, forestry, aggregate or soil extraction and processing, other rural industrial-type activities, and associated large utilitarian buildings) must be compatible with the character and qualities of the surrounding environment, and shall not generate adverse effects on surrounding properties (noise, dust, odour, or nuisance) or on the efficient and effective operation of existing farming activities, versatile land or transport networks. Notwithstanding this, residents living in the rural environment need to recognise that farming activities can generate some external effects which are accepted (e.g. temporary noise associated with the use of farm machinery).

Parts of the rural environment may also be suitable locations for infrastructure, including renewable electricity generation activities, due to the location of natural or physical resources and due to the low population density compared to other parts of the district. The District Plan establishes a framework for the management of the actual or potential effects of the activities and it recognises that these activities may be appropriate in the rural environment.

The policies above support rural subdivision that would maximise the likelihood of the continued use of versatile land for productive rural land use and provide flexibility for the configuration and ownership of rural properties. Introducing a minimum site size for rural-residential subdivision is anticipated to relieve the pressures for small lot subdivision, while avoiding intensified rural subdivision which fragments versatile land in the wider rural environment. The overall objective is to safeguard the life-supporting capacity of versatile land, and the continued operation of farming activities.

The relationship between rural subdivision and the Township Zones is recognised in the policies. The Township Zones enables the use, development and protection of existing development (Commercial, Industrial and Residential) at each of the small South Taranaki settlements. The zone boundaries do not provide outward growth or development. However, provide some growth to these existing

communities, rural subdivisions at the interface with the Township Zones would be appropriate. Any application for a rural subdivision at a Township would be required to demonstrate that the site layout and lot design responds positively to the character and amenity of the existing township and rural environments. The provision of on-site servicing for each new lot must be demonstrated, and any potential reverse sensitivity effects on existing rural, industrial or commercial activities are to be avoided, remedied or mitigated.

It is also important to minimise the occurrence of reverse sensitivity, which is a term used to explain the effect that new development of one kind may have on activities already occurring in an area. Typically, this situation arises where new residential activities (dwellings) locate in close proximity to farming activities or existing large-scale processing activities and infrastructure facilities, and the new occupants have unreasonable expectations about the level of amenity values which they wish to enjoy. In turn, this can affect established land uses and result in conflict and ongoing difficulties in environmental management. The District Plan seeks to control the siting of such sensitive activities to avoid or mitigate the potential for such adverse effects to occur.

Conversely, it is important that new farming and other rural based activities with potential to create significant adverse external effects are controlled to avoid future conflicts. This policy may require controls on siting of some activities or appropriate setback requirements.

With the absence of reticulated services in rural areas, on-site water supply is required as well as the management and disposal of all wastes. The individual water supplies and on-site management of waste can have adverse effects in addition to the activity itself. Where water is taken from surface or ground water sources, or waste discharged, these are managed by the Regional Council. The District Council is responsible for managing the use of land, including where waste causes a nuisance or adversely affects amenity values.

Methods of Implementation

The methods of implementation include:

- District Plan rules and performance standards to control activities and subdivision that have the potential to adversely affect the character and amenity of the rural environment, including small-lot subdivision, forestry, soil or aggregate extraction, and commercial and industrial activities.
- Performance standards, spatial buffers and setback requirements for activities so that rural land use activities do not generate adverse effects of reduction in privacy and openness, noise, vibration, odour, dust, glare and other nuisances.
- Assessment of environmental effects through the resource consent process for proposals involving incompatible land use or activities in the Rural Zone or those not meeting performance standards. This includes assessment of cumulative effects on the long term sustainability of versatile land and productive land use.
- Conditions on resource consent applications to avoid, remedy or mitigate adverse effects on the rural character, amenity and quality of the environment, for example a road maintenance agreement to repair roads from heavy vehicle traffic damage, restrictions on hours of operation and noise levels, or landscaping, fencing and site restoration.
- Advocate alternative locations to allow for more efficient servicing or management of potential adverse effects, particularly in respect of industrial activities.
- Promote the use of management plans and industry codes of practice as a means of self-regulation.
- A bylaw under the Local Government Act to manage the effects of heavy vehicle traffic on the safety and efficiency of the road network.



Section 2.2 Residential Zone

Issues

- 2.2.1** Variable rates of development and the mixed condition of towns and neighbourhoods can both improve or detract from residential character and amenity.
- 2.2.2** Whilst there are some similarities in the character and amenity values of each South Taranaki town, there are also differences in identity and context relating to each town's historical and current development.

Amenity and character values contribute to the look and feel of a place. Residential streets and neighbourhoods have established character and amenity values which can be both positive and negative. Places change through small increments or large redevelopments, and therefore the established residential character and amenity may also change for the better or for the worse, depending on what is valued.

The elements and features that contribute to the amenity and character values of a residential area can include the level of residential and non-residential activity, the density of dwellings and the scale, bulk and position of buildings in relation to property boundaries, including the street. The extent of open space and the level of greening that is present also add to character and amenity. The width of streets, the use of kerb and channel or mown berms, and the presence of street furniture and street trees are important too. The overall ambient noise levels, the level of privacy enjoyed, minimal visual and nuisance effects (odour, dust and glare), and the proximity or connection to open spaces (parks, public gardens, walkways, cycle routes) all contribute to residential amenity.

South Taranaki's towns and settlements have their own distinctive identity, geography and history, yet there are similar residential elements and features which can be managed in the same way in the District Plan.

Some towns have been in gradual decline due to an overall economic downturn after key employment generating industries closed or amalgamated. Consequently, in some towns there have been low levels of reinvestment in properties and an overall sense of low activity and high vacancy rates. Reinvestment and development has occurred within some towns, in the form of 'infill' residential development within established residential areas and greenfield residential development on the urban periphery.

South Taranaki District Council has 167 areas managed as parks and reserves varying in size from Lake Rotokare Reserve (220 hectares) to small gardens and lawn reserves of only a few square metres. Residential areas typically support neighbourhood parks, domains, recreation grounds and facilities, gardens, nature and coastal reserves. All these Council open spaces contribute to the character and amenity of residential environments and provide access and opportunities for formal and informal recreational activities.

Many smaller towns have parks and domains on the urban/rural boundary, for example Dallison Park in Waverley, Manaia Domain and Pātea Domain, and Ōpunakē's beach front. These larger parks and domains contribute to the visual outlook experienced from residential properties. Hicks Park and King Edward Park in Hāwera, and the Ōpunakē Domain support larger multipurpose community and recreation facilities and currently operate under resource consent conditions so that effects on the environment are adequately avoided or mitigated.

Objectives



- 2.2.3** The Residential Zone is predominately a living environment with a range of housing to accommodate different lifestyles and residential needs.
- 2.2.4** To allow complementary and compatible non-residential activities to support the functioning of the local community, provided that the adverse effects are avoided, remedied or mitigated.
- 2.2.5** To maintain and enhance the character and amenity values of residential neighbourhoods ensuring:
- (a) Residential density is generally low, except where quality medium and high density developments are appropriately located and designed.
 - (b) Activities do not detract from amenity values.
 - (c) The appropriate use, development and protection of Council's open spaces within residential areas shall contribute to character and amenity of places, and provide access to formal and informal recreation activities.
 - (d) Access to privacy, open space around buildings, and quality outdoor living space.
 - (e) Open street frontages.
 - (f) Protection from noise, vibration, odour, dust and glare.
 - (g) Separation of dwellings from industry.
 - (h) Front yards and public places are landscaped.
 - (i) Adequate footpaths and cycleways.

Policies

- 2.2.6** Provide for a range of housing opportunities by enabling standard residential development and as well as a greater intensity of residential development where it can be designed to minimise adverse effects on residential character and amenity.
- 2.2.7** Provide for standard residential development at a density and nature which is consistent with the character of the existing residential areas, including the provision of a minor dwelling which is secondary to the main dwelling on a site, to enable flexible living arrangements for family and non-family members.
- 2.2.8** Provide for denser housing throughout the Residential Zone which enables more intensive housing (compared to a standard residential development) where the effects on the surrounding residential character and amenity can be avoided, remedied or mitigated by achieving an appropriate site layout, scale, and design of housing.
- 2.2.9** Provide for higher density housing close to the Hāwera Town Centre where compact living opportunities are well designed and are at a walkable distance to local amenities, public open spaces and community facilities.
- 2.2.10** Provide for housing for the elderly where the site layout and design of the complex including dwelling units, medical and staff facilities, access and parking (when provided) minimises the adverse effects on the surrounding residential area.



- 2.2.11** Ensure denser housing developments are designed to maximise on-site amenity and to manage adverse effects on the surrounding residential character and amenity.
- 2.2.12** Maintain access to sunlight and protect the level of privacy for residential properties by managing the bulk and location of buildings in relation to residential site boundaries.
- 2.2.13** Maintain an open and spacious residential character on standard and larger lot residential properties by ensuring building size and footprint is proportional to the size of the lot and ensuring the provision of private outdoor living areas for each dwelling unit.
- 2.2.14** Ensure the provision of quality private outdoor spaces within more intensive residential developments to ensure a high quality living environment and enhanced amenity values.
- 2.2.15** Protect visual amenity by maintaining a relatively low building height and open space between buildings, and requiring outdoor storage to be appropriately screened or kept tidy.
- 2.2.16** Encourage the retention of established trees where they can contribute to the character and amenity of the site and the surrounding residential neighbourhood.
- 2.2.17** Recognise the importance of accessory buildings as they support a wide range of secondary uses which can be integral to the overall functioning of the main residential activity (garaging, storage, hobbies and home occupations), while managing their size and location to maintain the streetscape and residential character.
- 2.2.18** Recognise and provide for non-residential activities within the Residential Zone which are complementary in scale, nature and intensity to residential activities, in a way that avoids, remedies or mitigates adverse effects on adjoining residential properties and the wider neighbourhood.
- 2.2.19** Recognise and provide for small-scale home based child care facilities and home based visitor accommodation where they exhibit similar characteristics to a home occupation.
- 2.2.20** Manage larger scale child-care facilities that operate independently from a residential activity to ensure the adverse effects on residential character and amenity (including but not limited to noise, traffic, carparking and drop off zones, buildings, structures and signs) are avoided, remedied or mitigated.
- 2.2.21** Recognise the role of Council open spaces, including gardens, parks, reserves, domains, recreation grounds and scenic and coastal reserves, in maintaining and enhancing the character and amenity values of the residential environment.
- 2.2.22** Review and revise existing reserve management plans to provide strategic direction for the use, development and management of Council's open spaces.
- 2.2.23** Provide integrated and safe connections between Council open spaces and residential developments, by providing opportunities for walking and cycling.
- 2.2.24** Provide for buildings and structures associated with formal and informal recreation activities on Council open spaces.
- 2.2.25** Restrict industrial activities to avoid incompatibility issues and significant adverse effects on residential character and amenity.
- 2.2.26** Avoid the establishment of panel beating and spray painting businesses as they are incompatible with the character and amenity values in the Residential Zone.

Explanation of Policies

The community places a considerable value on the existing character and amenity values associated with the Residential Zone. The performance standards reflect the community's preference for a more flexible approach to housing development, where different types of housing can be provided, including the use of minor dwelling units and/or accessory buildings to provide for family or non-family members.

Denser residential development which results in multiple dwelling units on standard sized residential properties (400m² – 1000m²) provides opportunities for compact living and suits a range of lifestyles. In addition, this more intensive development supports the consolidation of development within existing settlements. This is particularly relevant to coastal settlements to promote the protection of the natural character values of the coastal environment. This more intensive type of residential development has the potential to generate adverse effects on established residential environments, particularly where the existing character is dominated by low density suburban housing. However, intensive residential development can be designed so the layout and scale of housing complements established neighbourhoods. Change can still be expected, but adverse effects such as loss of or reduced privacy, access to sunlight and overall amenity can be minimised through good site planning and design of the dwelling units.

Overall, denser residential development is to be anticipated in the Residential Zone, but managed so that each development ensures a high level of on-site amenity, minimises adverse effects on neighbouring residential properties, and contributes to the overall residential character and amenity value of the different areas.

A higher concentration of residential development near the town centre of Hāwera is also encouraged where there is close proximity (e.g. walking distance) to shops, amenities, community activities and public open space. Distances that encourage people to walk to Hāwera's town centre may vary. However, a distance of 500 - 750 metres would provide for a range of different walking abilities and tolerances. From the centre of Hāwera's retail area (High Street/Union Street) a catchment of residential properties can be identified for greater levels of development. It is noted that immediately outside Hāwera's immediate town centre there are key amenities such as King Edward Park, Bayly Park and large format businesses (e.g. The Warehouse). Therefore opportunities for more intensive housing in close proximity to these types of facilities would be appropriate, particularly given infill housing development has occurred already on Grant VC Street, Laurent VC Street, and Dixon Avenue. Good outcomes are expected for housing close to the town centre, although greater density can be expected as the character transitions from suburban residential to larger scale commercial buildings and different levels of amenity.

Developments that provide housing for the elderly can range from a number of smaller compact residential units through to comprehensive developments that include units, serviced apartments, on-site medical care and recreation facilities. The Residential Zone anticipates the small to medium sized developments, where the density and effects from the non-residential components can be adequately managed. The larger, more comprehensive development would be better located in a Commercial Zone where the effects on residential amenity are not as significant.

Front yard setbacks maintain a continuous and relatively uniform streetscape with open space between the residential dwelling and the public street, and can provide opportunities for landscaping should the landowner seek to do so. The front yard setback also provides sufficient length for a vehicle to park in front of a building to avoid the parked vehicle encroaching on or blocking the footpath. Site coverage and building setbacks from all other boundaries enable space between dwellings to be maintained for privacy and visual relief. Sunlight recession planes ensure adequate sunlight penetration to adjacent sites. Private outdoor space is expected to be provided on residential sites for dwellings units and minor dwelling units, to achieve a baseline level of on-site amenity.

Established trees contribute to residential character and amenity values. Development can often result in the removal of established trees. Proposed landscaping can mitigate adverse visual effects, but it often takes a long period of time before tree species can, if at all, replace older more established trees. The ideal situation is where a proposed development integrates existing healthy mature trees into the new development, rather than removing them.

Non-residential activities such as churches, recreation facilities, childcare facilities, retail and commercial activities can range in size and scale. These activities contribute to residential environments, yet can also generate adverse effects if not managed appropriately, or if the scale is too large and dominant for a residential site. While there is flexibility in the range of activities that can locate in Residential Zones, beyond a certain scale non-residential activities require a case by case assessment of effects on neighbours and the surrounding residential area to determine whether they are appropriate or not.

The Council is also a substantial provider of public open space through its parks, reserves, domains, recreation grounds and facilities. These open spaces are distributed throughout the residential areas of South Taranaki's towns and settlements and contribute to the overall character and amenity. Rather than include a specific open space and recreation zone, the use, development and protection of open spaces are managed by performance standards and rules of each relevant zone, including the Residential Zone. The eventual use of Reserve Management Plans to provide the strategic direction for individual reserves, will require the review and update of the Council's existing documents.

Methods of Implementation

The principal methods of implementation are:

- Performance standards and rules in respect of the number of dwelling units and density, bulk and location, private outdoor living areas, lighting, outdoor storage and odour;
- Performance standards and rules in respect of non-residential activities, including home occupations, home child care services, childcare facilities, community activities, and temporary activities.
- Identification of areas within the Residential Zone, close to the Hāwera town centre to provide for more intensive residential development.
- Residential Design Guide to provide practical ideas and assessment for residential developments that provide for greater levels of residential density.
- Assessment of environmental effects through the resource consent process for proposals involving more intensive residential developments, using performance standards to assess the different components of the development.
- Use of conditions on resource consents to control the effects of activities to acceptable levels for the Residential Zone.
- Use of Reserve Management Plans for the strategic direction and planning of the Council's individual parks and reserves.

Section 2.3 Township Zone

Issue

- 2.3.1** The mix of land use activities and development within small townships results in distinct character and amenity values that provide for their ongoing viability and role in the local community.

The Taranaki ring-plain is a highly productive area where a number of small settlements have established throughout the rural area. These small settlements historically or currently provide goods and services to support the effective functioning and processing of farming and community activities. These townships are: Warea, Pungarehu, Rahotu, Pihama, Okaiawa, Alton, Kakaramea and Waitotara.

These townships are effectively mixed use areas where community, industrial, retail, commercial and residential activities have developed side by side with historic industry rather than in defined areas. This nature of land use has given these townships a distinct character, with the pattern of development often linear, having developed along state highways and local roads. There may be a concentration of businesses in the core of the township, and/or individual businesses may be scattered around the township. None of the townships have reticulated wastewater systems and rely on individual on-site treatment and disposal. Only two townships (Rahotu and Okaiawa) are connected to a Council reticulated water supply, with other townships relying on individual on-site water supplies (e.g. septic tanks and wells, bores and rainwater collection tanks).

The majority of the townships have not grown significantly in recent years or been subject to major developments; in fact most are declining in population. The historical pattern of subdivision often suggests that these townships were anticipated to grow much larger than they have. Alternatively, the townships established and grew relatively large based on a single business (e.g. dairy processing factory), and due to economic, political or other changes (e.g. amalgamation of the dairy processing industry and the closure of many independent dairy factories, due to increased mobility), the size and intensity of these townships is in decline. Notwithstanding this, these townships still service the local community and provide important community and business activities, as well as living opportunities.

The residents of these townships may anticipate a different type and level of amenity than those in defined residential zones, as a result of residing adjacent to facilities such as fertiliser depots, garages and contractors yards. They may be less sensitive to noise and odour, although conversely they may be desensitised to existing effects, yet may still be adversely affected by a new proposal.

The size and scale of land use activities is generally small and domestic. Commercial and industrial activities and buildings are typically a similar size to dwellings and employ a small number of people. Buildings are typically 1-2 storeys. Streetscapes have variable characteristics, with some buildings sited on or near the street frontage, particularly commercial buildings (e.g. general store, garage or pub), while most residential buildings are setback with landscaping in front similar to most residential areas.

Typically, these settlements are traversed by or situated adjacent to the state highway, and are often not subject to speed restrictions. Development and use of land will typically require traffic to be managed in such a way that there is safe passage to and from the road and space on-site for safe manoeuvring, particularly when on-site parking is provided.

Objective

- 2.3.2** To provide for a mix of activities that support the needs of the local community while maintaining and enhancing the distinct character and amenity values of the small rural settlements.

Policies

- 2.3.3** Recognise and provide for the existing small rural settlements that serve an important local role and have a distinct character through a Township Zone.

- 2.3.4 Provide for a mix of land use activities and development which are complementary and compatible while ensuring an acceptable level of amenity for residents through the application of rules and standards.
- 2.3.5 Ensure new land use activities, development and subdivision maintains and enhances the established character and amenity values of the individual township with an overall low building form and density, and exceptions for existing commercial, industrial and community activities and facilities.
- 2.3.6 Provide for existing commercial, industrial and community activities and facilities, while ensuring any changes or expansion of these activities do not adversely affect the qualities of the township.
- 2.3.7 Ensure all land use activities, development and subdivision provides a suitable on-site wastewater treatment and disposal system, stormwater systems, and water supply (except in Rahoitu and Okaiawa where Council reticulated systems are available).
- 2.3.8 Manage the overall size of the Township Zones to maintain their character, amenity values and servicing constraints while allowing for potential viable expansion to accommodate any potential future demand.

Explanation of Policies

The small rural settlements meet the needs of the local community through the provision of commercial, industrial and community activities and facilities, as well as a range of residential living opportunities. This mix of land use activities have developed over time and are generally compatible. The adverse effects from these different activities are generally acceptable for most residents, as the activities are relatively small-scale and operate limited hours (e.g. during the day). To recognise the role, nature and qualities of these small rural settlements, they are managed using a single Township Zone.

The District Plan provides for the ongoing use and development of activities to give certainty on the nature of land uses that can occur within this mixed use environment. In addition, these activities will need to maintain an acceptable or increased level of amenity, particularly for residents. This outcome is achieved through the use of minimum environmental standards specifying requirements for site development and land use. Such standards should not prevent ongoing land use and development within the Township Zone, provided the environmental effects are acceptable within the mixed use environment.

Given the small overall size of each settlement, their dispersed location, and small size of individual activities, it is required that each site is self-sufficient in terms of their servicing requirements (where a community supply is not available). An on-site potable water supply is to be provided (e.g. rainwater tank) where otherwise not available, all waste water is to be treated on-site, and stormwater managed on-site.

Methods of Implementation

The principal methods of implementation are:

- A Township Zone will be identified on the Planning Maps
- Rules will specify permitted land use activities which currently exist in the small rural settlements. Performance standards will be used to ensure these activities are generally compatible and complementary, and maintain and enhance the character and amenity values.

- Performance standards in respect of the number of dwelling units and density, bulk and location, lighting, outdoor storage, odour, noise, and vehicular access, manoeuvring and the design of parking areas (when provided) will be used to maintain and enhance the character and amenity values.
- Assessment of environmental effects will be assessed through the resource consent process for proposals that are not permitted, either because of non-compliance with environmental standards or because of the nature of the land use activity.
- Conditions on resource consents will be used to control the effects of activities to acceptable levels for the Township Zone.

Section 2.4 Commercial Zone

8

Issues

- 2.4.1** Changes in commercial trends (such as larger format stores, fewer local owner/operator stores and more national chain stores) along with increased mobility (resulting in less demand for local retail stores) has the potential to affect the vitality and vibrancy of each town's commercial area, and its role and identity for the local community it serves.
- 2.4.2** Need to enable a diverse range of commercial activities that provide economic growth and employment opportunities for residents, while also accommodating changes within a dynamic commercial environment, and different functional and operational needs of commercial activities, in a manner that does not result in incompatibility issues.
- 2.4.3** New building development and alterations to existing buildings have potential effects on the streetscape character, amenity and heritage values of commercial areas, and on the efficient use of existing infrastructure and development.

The commercial areas in South Taranaki act as a 'focal point' for the community, and perform a key role in the functioning of the District as they are primarily places of employment, exchange of goods and services, and social interaction. Most of the district's community facilities such as libraries, museums, medical facilities, supermarkets and shops are located in the commercial areas, with the potential to bring together a range of activities and people. These facilities and services support the economic and social wellbeing of the residents of the town and the surrounding rural area.

The commercial areas in each of the towns have their own distinctive features that need to be recognised and provided for. The District Plan needs to provide for commercial and retail development to enhance vibrancy, functionality, economic growth and community wellbeing in these rural towns, and contribute to the success of the towns by making them more attractive places to live, work and play.

Over the past decade there has been a national shift in retail format towards larger scale, vehicle oriented and more autonomous formats. The Hāwera town centre is the largest town in the District (with a commercial area servicing a population of 9,000 residents) but has limited suitable sites for large format retail, which has led to significant ad-hoc retail dispersal to the fringes of the town, particularly ribbon development of trade and service activities along Glover Road (e.g. Super Cheap Auto, Farmlands, Bunnings etc.). These trends are evident throughout many New Zealand towns, and have the potential to lead to the inefficient use of existing physical resources, and result in a decline in the pedestrian amenity, viability and vitality of the Hāwera town centre. Furthermore, there is the potential



for adverse amenity effects caused by large buildings that are not appropriately designed and can have a lasting and dominant presence, to potentially have a greater influence on urban design outcomes in commercial areas than smaller developments.

Although South Taranaki's other commercial areas in Eltham, Normanby, Pātea, Manaia, Ōpunakē, Kaponga and Waverley are not experiencing ad-hoc large format retail expansion, they face issues of high vacancy rates of buildings, and poor maintenance of vacant buildings. When buildings are left vacant, economic loss to the landowner occurs, and the building can be detrimental to the streetscape and the town's overall sense of vibrancy if it is poorly maintained as a consequence. Furthermore, the streetscape, amenity values and character of these commercial areas can be affected if existing buildings are demolished and sites left vacant, or replaced with poor quality development. In addition, the heritage buildings within the commercial areas make a significant contribution to the identity, character and streetscape. Listed heritage buildings are protected via the historic heritage provisions of the District Plan.

Given the above, it is important that the District Plan provides flexible provisions that recognise the functional and operational needs of commercial activities to encourage new forms of development and revitalisation within commercial areas, especially in smaller towns, with a focus on economic growth and good design outcomes based on the key characteristics of each town. Well-designed retail and other commercial developments, together with public spaces, have an important role in maintaining and improving the environmental quality, attractiveness and vitality of the District's commercial areas.

Objectives

- 2.4.4** Maintain and enhance the character and amenity values of commercial areas in a manner that enables commercial and other activities to support the local community, while avoiding or mitigating adverse effects within and adjoining the commercial areas.
- 2.4.5** Complementary and compatible non-commercial activities within the commercial areas that support the functioning of commercial areas and recognise the sensitivities and amenity levels within and adjoining commercial areas.
- 2.4.6** Maintain and enhance the attractiveness and vibrancy of the town centres across the District.

Policies

- 2.4.7** Recognise and provide for the commercial functioning, character and amenity values of the District's commercial areas through a single Commercial Zone.
- 2.4.8** Recognise the variability of the commercial areas across the District through the use of areas ('overlays') that manage and reinforce the role, function, characteristics and qualities of these areas as follows:
 - (a) Hāwera Town Centre Area, applied to High Street and surrounding sites, being the principal retail and servicing focus of South Taranaki with a concentration of mainly specialty retail activities, supermarkets and a pedestrian orientated area.
 - (b) Large Format Trade and Service Area, applied to the Glover Road Commercial area in Hāwera, and the Commercial area adjacent to State Highway 3 between Hāwera and



Normanby, being the area for larger-scale trade and services, and vehicle oriented activities.

- (c) Mixed Use Area, applied to the commercial area surrounding the Hāwera Town Centre Area, and to commercial areas in Eltham, Normanby, Pātea, Manaia, Ōpunakē, Kaponga and Waverley, which recognises the smaller scale and diverse mix of activities and characteristics.

- 2.4.9** Provide for a wide range of activities within the Commercial Zone which meet the needs of the local community with convenient access to goods and services, and opportunities for economic growth and social interaction.
- 2.4.10** Restrict certain activities which may be incompatible with other activities and/or degrade the character and amenity values of the Commercial Zone.
- 2.4.11** Prevent commercial activities from establishing or extending outside of the Commercial Zone to encourage the concentration of commercial centres, and to maintain the viability and vitality of existing commercial areas.
- 2.4.12** Manage adverse effects from activities and development within the Commercial Zone to maintain and enhance the amenity values within the Commercial Zone, as well as the adjoining Residential and Rural Zones. Adverse effects from activities and development in the Commercial Zone may include building dominance, shading, noise, vibration, odour, dust, glare, and also reverse sensitive effects from sensitive activities.
- 2.4.13** Ensure that the design, scale, location and layout of development and buildings in the Commercial Zone recognises the local context and character, and maintains or enhances the safety, convenience, accessibility and amenity of commercial areas, while also recognising the functional and operational needs of commercial activities.
- 2.4.14** Maintain and enhance the historic heritage character of town centres by controlling new development relating to identified heritage buildings and sites, and additions and alterations to identified heritage buildings and sites to ensure development is in keeping with the existing heritage and streetscape character.
- 2.4.15** Maintain access to sunlight, protect amenity values, and protect the level of privacy for properties in the Residential Zone adjacent to the Commercial Zone by managing the bulk and location of commercial buildings and requiring landscaping.
- 2.4.16** Provide for anchor activities such as large retail or community activities at the interface with the Hāwera Town Centre overlay and the Commercial Zone Mixed Use or Large Format Trade and Service overlays.
- 2.4.17** Ensure the site layout, design and functioning of new or redeveloped anchor activities deliver the Hāwera Town Centre Strategy, enhance the vibrancy and vitality of the town centre, and manage adverse effects on streetscape amenity from building bulk, parking, traffic, and signage.

Hāwera Town Centre Area

- 2.4.18** Provide for commercial development which enhances the vibrancy and functionality of the Hāwera Town Centre, while ensuring that development protects and enhances existing amenity and character, and does not generate adverse effects on the environment.
- 2.4.19** Promote consolidation, reuse and redevelopment to achieve an efficient use of existing infrastructure and enhance the vibrancy of the Hāwera Town Centre.

- 2.4.20** Provide for residential activities and visitor accommodation above ground floor level in the Hāwera Town Centre Area to retain retail and commercial activities at street level and to support other activities in the area, provided that new residential and visitor accommodation developments are well designed and create quality living environments.
- 2.4.21** Maintain and enhance amenity values in the Hāwera Town Centre by encouraging the provision of open public space, landscaping, artwork, seating, and public amenities and services that are easily accessible, walkable, safe, attractive and enjoyable.
- 2.4.22** Maintain an attractive streetscape and safe pedestrian environment within the Hāwera Town Centre by identifying a Defined Pedestrian Frontage and managing development along these frontages to ensure:
- (a) Continuous verandahs and building frontages
 - (a) Prominent corner site buildings
 - (b) Active and transparent building frontages; and
 - (c) Limited on-site vehicle access and parking.
- 2.4.23** Ensure adequate provision and maintenance of community activities and buildings to meet the cultural, administrative and social needs of the community.
- 2.4.24** Allow for flexibility when addressing parking provision within the Hāwera Town Centre, such as alternative sites, multi-use vehicle parking areas, and ensuring that any on-site parking areas do not significantly detract from pedestrian amenity or streetscape character.

Large Format Trade and Service Area

- 2.4.25** Recognise that Large Format Trade and Service activities function as an integral part of Hāwera's commercial activity and provide important services to the local community, but are most appropriately located in the Large Format Trade and Service Area due to their size, scale and form, locational and operational requirements, and reliance on the transport network.

Mixed Use Area

- 2.4.26** Provide for a mixed range of compatible activities within the Mixed Use Area to support existing commercial activities and reinforce the variability of current land uses.
- 2.4.27** Promote consolidation, reuse and redevelopment and an efficient use of existing infrastructure, to enhance the vibrancy of commercial areas.
- 2.4.28** Provide for residential activities in the Mixed Use Area to support other activities in commercial areas and make efficient use of existing buildings and facilities, provided they are well designed and quality living environments.

Explanation of Policies

The District Plan aims to facilitate the ongoing use and development of existing properties to promote positive change for the identity and functioning of commercial areas. To achieve this outcome, all commercial areas are zoned Commercial, with this zoning providing for a mix of activities and development. However, it is recognised that the nature, role, character and amenity values of the commercial areas differ amongst the towns in the District, with the Hāwera commercial areas being distinctly different from the commercial areas in the smaller towns. Therefore, different 'areas' are applied to recognise and reinforce these differences. The different areas are based on existing and



anticipated future land uses and developments in different areas. This approach is to ensure commercial activities and developments establish within specific areas, to ensure that new activities and developments are of a size, scale, design and form that is appropriate and compatible with the surrounding environment, while continuing to provide for the functional and operational needs of commercial activities. This approach achieves an efficient use of existing services and infrastructure, and allows the greatest diversity, scale and intensity of activities to occur within the Hāwera Town Centre and Mixed Use Areas. In addition, it supports the effective functioning of the different areas by minimising the potential for incompatibility issues, as well as encouraging the vitality and vibrancy of the commercial areas.

The Hāwera Town Centre Strategy provides direction on how the revitalisation can occur, through a range of mechanisms. The revitalisation of the Hāwera Town Centre can be achieved by incentivising appropriate pedestrian orientated retail activities and development, supermarkets and other compatible land uses to establish within the Hāwera Town Centre Area. The Hāwera Town Centre Strategy recognises the role of 'anchor' activities; activities which generate people to travel into town and from there continue to walk through the town centre. Anchor activities can be civic buildings, libraries, Council buildings, supermarkets, or other large retailers. The ideal location for anchor activities is at the interface between the Hāwera Town Centre Area the adjoining Mixed Use or Large Format Trade and Service Area. To ensure anchor activities do not have a detrimental impact on the Town Centre, any new anchor activity will need to be assessed for the actual and potential effects on the vitality and vibrancy on the Town Centre, street amenity, parking and traffic movements.

The Hāwera Town Centre Area and Mixed Use Areas should have the greatest concentration of buildings and mixture of activities, and promote a pedestrian oriented environment which maintains the compact, convenient and vibrant character of the area. The District Plan provides permissive and flexible parking and loading area requirements to enhance this pedestrian oriented environment and maintain streetscape and heritage character along Defined Pedestrian Frontages. In addition, the maintenance of the historical character and streetscape values of the existing town centres is important for community identity.

Hāwera Town Centre Area

The Hāwera Town Centre Area is focused on and surrounds High Street, which is the principal retail and servicing focus of South Taranaki. This area is characterised by a concentration of diverse retail and business activities, including specialty retail and restaurants. The main retail core of the town centre is focused on meeting the convenience and comfort of pedestrians, with public spaces, pedestrian oriented areas, continuous and glazed shop frontages, and continuous verandas which contribute to the overall streetscape. The District Plan supports the continued commercial and retail activity in this area by encouraging the concentration of commercial and retail activities of a similar character, nature and scale. The concentration of these shops and public spaces is expected to enhance the functionality, vibrancy and vitality of the town centre, and the overall social and economic wellbeing of the District.

Providing for residential and visitor accommodation activities in the town centre can positively contribute to the vitality and vibrancy of the area. Residents would have convenient access to retail, commercial, community and civic amenities, resulting in a more lively and active area and contributing to the economic and social well-being of the residents. However, residential and visitor accommodation activities are restricted on the ground floor to ensure activities on the ground floor have a positive relationship to the street where they provide interest, visual connection and an active edge.

To protect the ongoing viability of the Hāwera Town Centre, some control on the scale of new retail activity outside the town centre is required in order to manage the potential adverse distributional effects of large-scale retailing activities on the vitality of the town centre. Within the pedestrian core of the Hāwera town centre itself, the multiple ownership and small size of properties and buildings means



that new large-scale vehicle oriented retailing activities generally need to be located in the Large Format Trade and Service Area.

Large Format Trade and Service Area

The Large Format Trade and Service Area is located along the west side of Glover Road in Hāwera, and the commercial area (which is yet to be developed) adjacent to the railway line between Hāwera and Normanby. Existing commercial development in these areas is generally characterised by large format trade and service activities, which are more directly vehicle oriented than the activities within the Hāwera Town Centre Area. In the past decade, the Glover Road area has transitioned from traditional commercial service area, with a mix of residential activities, light industrial, vehicle sales and service activities to a predominance of vehicle orientated, space extensive retail/trade/wholesale activities (e.g. Bunnings, Placemakers). The Large Format Trade and Service Area functions as an integral part of Hāwera's commercial activity, but provides for a larger scale and form of activities that cannot be accommodated in the Hāwera Town Centre. In addition, Hāwera contains an area of traditional industrial development east of the railway line near Glover Road, where effects are generally incompatible with small scale retail, or food and service activities such as those provided for in the Hāwera Town Centre Area.

Mixed Use Area

The Mixed Use Area recognises the mixed use of activities that make up the commercial zones in the smaller town centres, and the periphery of the Hāwera Town Centre Area. The commercial areas in the smaller towns generally include a range of small shops or a small supermarket of a local nature to provide for the day to day shopping and service needs of surrounding residential, industrial and rural areas. Due to current economic conditions, many buildings in the commercial areas in the smaller towns are vacant or used for residential activities. Consequently, some buildings are in poor condition. The District Plan seeks to encourage the adaptive re-use and proper maintenance of existing buildings to increase the vitality and quality of the environment in these town centres, by allowing a range of different land uses and activities.

The Mixed Use Area on the periphery of the Hāwera Town Centre Area includes a mixture of residential activities, housing for the elderly, food and service activities, small-scale retail and commercial activities, light industry and some large-scale retail (e.g. the Warehouse). To reinforce the existing range of land uses, cater for various community needs, and to encourage the development, vibrancy and efficient use of the Hāwera Town Centre, the District Plan provides for higher density residential development close to the Hāwera Town Centre. This approach is consistent with the Hāwera Intensification Area in the adjacent Residential Zone.

The framework of policies and rules relating to the District's commercial areas remains flexible and responsive to the ongoing change in methods for delivery of goods and services by businesses. However, the rules manage this dynamic in a way that does not undermine existing physical resources and amenity values, or disadvantage the community or businesses.

Methods of Implementation

The principal methods of implementation are:

- Identification of three separate commercial areas to recognise and reinforce the form, function, scale and intensity of development appropriate to the existing commercial environments.
- Performance standards and rules in respect of the size, scale, and location of buildings in the different areas, maximum standards for parking and vehicle access, lighting and odour, to ensure that amenity values are not compromised.
- Performance standards and rules in respect of non-commercial activities, including residential and industrial activities.

- Assessment of environmental effects through the resource consent process for proposals involving large scale development, or non-commercial activities, using performance standards.
- Use of conditions on resource consents to control the effects of activities to acceptable levels for the Commercial Zones.
- Implementation of the Hāwera Town Centre Strategy – To sustain and encourage the growth of services and amenities in Hāwera Town Centre, through the partnership of the local authority and various organisations and people.
- Use of non-notification clauses for activities that require resource consent within the Hāwera Town Centre Area, to incentivise development.
- Works and services such as parking areas, service lanes and public landscaping.
- The exercise of discretion in relation to particular performance standards and rules where development will result in the provision of public facilities and amenities.
- Provision of incentives to encourage building owners and occupiers to improve the visual amenity of commercial areas (e.g. painting subsidy scheme).

Section 2.5 Industrial Zone

Issues

2.5.1 Need to provide for and enable the efficient and effective functioning of industrial activities as they contribute to the economic and social wellbeing of the District. However, due to the nature, scale and intensity of industrial land use activities, they can generate significant adverse effects on the environment, particularly on adjacent residential and commercial areas, and the transport network resulting in reduced quality of the environment and incompatibility between different land uses.

2.5.2 New sensitive activities close to existing industrial activities or within industrial zones can create actual or potential reverse sensitivity effects.

Manufacturing and processing industries are a significant employer in South Taranaki, accounting for 42% of the workforce, mainly in the processing of dairy or meat products. Heavy and light engineering industries have also developed in South Taranaki to service the needs of the dairy and petrochemical sectors and the meat, energy, industrial, chemical and timber processing industries.

Industrial Zones apply to the Yarrows Bakery in Manaia, Fonterra's two dairy manufacturing sites in Eltham, and various other factories and sites of industrial nature within the urban areas of Hāwera, Eltham, Kaponga, Pātea, Waverley, Normanby, Ōpunakē, and Manaia. Most sites zoned Industrial are already developed with industrial activities, with the exception of the Hāwera-Normanby Industrial zone (re-zoned as part of the Urban Growth Strategy 2008).

The efficient and effective functioning of industrial activities is crucial for the economic and social wellbeing of the District. Given the nature and scale of these processing and manufacturing activities they have the potential to generate a wide range of adverse effects on the environment, including noise, dust, vibration, odour, lighting, glare, traffic, shading and visual impacts of structures and industrial activities, and other effects which may cause a nuisance to surrounding land users. Pressure on urban land supply, the urban transport network or demand for utilities can also occur from increased industrial development. These effects need to be managed because of the effect they could have on other



activities in the area, including adjacent residential, commercial or rural zones where a higher level of amenity is generally expected.

As the Industrial Zones are within urban areas, and adjoin Residential, Commercial or Rural Zones, there is potential for reverse sensitivity effects to arise. New residents, or retail or commercial activities that establish within an Industrial Zone or in close proximity to an industrial site, can be sensitive to effects of odour, air quality, noise, lighting and building scale, which are otherwise generally accepted as part of an industrial environment. The incompatibility of these activities can result in complaints about effects, and can inhibit the efficient and effective functioning of industrial activities (e.g. limiting the hours of operation, noise levels, or traffic movements), which could impact on their economic and social contribution to the District.

Objectives

- 2.5.3** To provide for the efficient and effective operation and development of industrial activities in the Industrial Zone while ensuring their adverse effects on the urban environment are avoided or mitigated, recognising the sensitivities and amenity levels of adjoining commercial and residential areas and the safety and efficiency of the transport network.
- 2.5.4** To protect existing industrial activities in urban areas from incompatible subdivision, land use and development which could adversely affect the efficient and continued operation of existing activities.

Policies

- 2.5.5** Recognise and provide for industrial activities in urban areas through a specific zone designed to recognise the individual operating requirements and future development of these activities while ensuring an acceptable level of environmental quality and amenity within the zone.
- 2.5.6** Recognise and provide for the existing activities and facilities associated with the bakery and manufacture of yeast products in Manaia and ensure that future development is in accordance with the Concept Plan.
- 2.5.7** Protect the amenity values of the commercial, residential and rural areas surrounding the Industrial Zones by managing the nature, scale and level of environmental effects originating from the Industrial Zone.
- 2.5.8** Restrict activities that may be incompatible with other industrial activities from establishing in the Industrial zone, to ensure the safe and efficient operation of industrial activities, and to protect the vitality and vibrancy of the Commercial and Residential Zones of urban areas where these activities may be more appropriately located.
- 2.5.9** Manage potential reverse sensitivity conflicts between the existing industrial activities and new sensitive activities through appropriate separation distances, landscaping, noise insulation or other measures, giving priority to existing lawfully established activities.
- 2.5.10** Ensure that all buildings are located to minimise shading and disruption to privacy enjoyed on nearby residential, open space and rural properties.

Explanation of Policies

The manufacturing and processing industries are of significant importance to the local economy and provide goods and services for the local, regional, national and international markets. It is therefore crucial that industrial activities within or in close proximity to existing urban areas are appropriately recognised and provided for.

A single Industrial Zone is applied to all industrial areas across the District, as all industrial activities generally have similar character and amenity values. The character and amenity values of industrial areas reflect their role, location, functioning attributes and general working environment conditions. Within the Industrial Zone, character and amenity values are generally mixed, with various different building scale and forms, site layouts and visual appearance. The Industrial Zone comprises mainly small-scale service providers, with some larger scale manufacturing and processing plants (e.g. Fonterra's two dairy manufacturing sites at Eltham, and Manaia Yarrows Bakery production factory). The Industrial Zone recognises the character of these existing land uses and also provides sufficient space within or in close proximity to urban areas to encourage the development of new industrial activities on appropriate land, close to existing services (such as roads and network utilities). The Industrial Zone accommodates the operational requirements of industrial land uses by allowing more flexible standards to recognise the existing character and amenity values of industrial land uses. Performance standards are primarily focused on avoiding, remedying or mitigating actual and potential adverse effects on surrounding areas. The zoning also gives the community certainty on the location of this type of industrial development, where the amenity and character is anticipated to be different to that in the commercial and residential areas generally.

More sensitive, incompatible activities (e.g. residential, visitor accommodation, commercial and retail) are restricted from establishing within the Industrial Zone as they generally have different character and amenity expectations, or their location in the Industrial Zone would detract from the vitality and vibrancy of commercial or residential areas. Commercial, retail and residential activities are more appropriately located in areas that specifically provide for this use, as there is already a high level of investment in maintaining and enhancing commercial/retail focused areas. Where activities or development do not comply with the rules or performance standards, the resource consent process enables the effects of the proposal to be assessed. If the application is granted, conditions of consent would manage those effects.

There is potential for conflict between incompatible activities with different character and amenity expectations at zone boundaries. Each Industrial Zone is surrounded by commercial, residential or rural land, where the adverse effects of industrial activities may impact on the character and amenity values of these areas. These effects include noise, excessive light, heavy vehicle movements and the visual appearance of buildings. Therefore, at the interface between the Industrial Zone and other Zones, effects will be managed to minimise the potential for conflict. These interface tools include building setback requirements, screening, and lower maximum noise requirements at the zone boundary.

In addition, given the importance of industrial activities and sites to the District, priority is given to protecting the industrial activities from new sensitive activities using setbacks, screening and separation distances, to ensure the industrial activities can continue to operate in an effective and efficient manner.

Methods of Implementation

The principal methods of implementation are:

- District Plan rules and performance standards to provide for the functioning of industrial activities.

- Performance standards and setback requirements for activities so that industrial activities do not generate significant adverse effects on visual amenity, noise, vibration, odour, dust, glare and other nuisances.
- Setback requirements for new sensitive activities in relation to the Industrial zone.
- Assessment of environmental effects through the resource consent process for proposals involving incompatible land use or activities in the Industrial Zone or those not meeting performance standards.
- Conditions on resource consent applications to avoid, remedy or mitigate adverse effects on urban character, amenity, and quality of the environment (e.g. fencing, screening, noise monitoring, and traffic management).
- Education to raise awareness about the economic benefits, nature, and operations of industrial activities, and potential adverse effects associated with these activities in urban areas.
- Financial contributions to mitigate the effects of industrial activities on the transport network and infrastructure.

Section 2.6 Rural Industrial Zone

Issues

- 2.6.1** Need to recognise the presence of existing large-scale operations in the rural environment and provide for their ongoing efficient and effective functioning, while recognising they can have adverse effects on the rural environment.
- 2.6.2** New sensitive activities close to existing large-scale operations in the rural environment can create reverse sensitivity effects.

The Rural Industrial Zone applies to well-established and large-scale industrial activities and sites located within the rural environment. This zoning recognises the established nature of these activities and their contribution to the economic and social wellbeing of the immediate area as well as the District and Taranaki Region as a whole.

The Rural Industrial Zone applies to ten sites, being:

- Shell Todd Oil Services Maui Production Station
- Fonterra Kapuni Dairy Manufacturing Site
- Ballance Agri-nutrients Ammonia Urea Plant
- Shell Todd Oil Services Kapuni Production Station
- Vector Gas Treatment Plant
- Silver Fern Farms Hāwera Meat Processing Plant
- Graeme Lowe Protein Rendering and By-Product Processing Plant
- Fonterra Whareroa Dairy Manufacturing Site
- Smith Bros Trading (Taranaki By-Products) Processing Plant
- Silver Fern Farms Ltd, Waiinu Beach Road, Waitotara

The sites and operations process, manufacture and/or treat natural resources and/or primary products produced in the rural environment. In addition to the processing, manufacturing and/or treatment

activities, the sites can include other ancillary activities such as transport depots, rail facilities, energy generation, effluent/waste treatment and disposal, and administration facilities.

Most sites zoned Rural Industrial are fully developed with limited plans for future expansion outside their existing footprints. However, Fonterra's Whareroa and Kapuni dairy manufacturing sites, Ballance-Agri-nutrients Kapuni plant and Smith Bros Trading (Taranaki By-Products) plant may be expanded in the future with additional processing and storage facilities.

Given the nature and scale of these activities they have the potential to generate a wide range of adverse effects on the environment. These effects can include noise, dust, vibration, odour, lighting, glare, shading, visual impacts of structures and industrial activities, and other effects which may cause a nuisance to surrounding land users. These effects need to be managed because of the effect they could have on other activities in the area.

In managing odour and dust, this falls under the jurisdiction of both the Regional Council and District Council. The Regional Council is responsible for all discharges to air, including any associated odour or dust. The District Council is responsible for control of use of land, including where some land use activities generate odour and dust which is not a discharge to air. The odour and dust from these land use activities would be managed by the District Council under the policies and rules of the District Plan.

As the Rural Industrial Zone applies to sites scattered throughout the rural environment there is potential for reverse sensitivity conflicts to arise between activities in the rural area and rural-industrial sites. Reverse sensitivity can occur when new residents or other sensitive activities establishing in rural areas are sensitive to the effects originating from the existing industrial activities, such as odour, air quality, noise, lighting and building scale. Such activities could give rise to complaints about these effects and seek to impose constraints or limitations on the operation of the industrial activities. These limitations could impact on the functioning and efficiency of the industrial activities, which in turn, could unduly impact on their economic and social contribution to the District.

Objectives

- 2.6.3** To provide for the efficient and effective operation and development of existing large-scale manufacturing and processing activities and sites in rural areas while ensuring their adverse effects on the environment are avoided, remedied or mitigated recognising their rural location.
- 2.6.4** To enable the efficient and effective functioning of existing large-scale manufacturing and processing activities and ensure that these activities are not constrained by adverse effects of new incompatible subdivision, land use and development in the Rural Zone.

Policies

- 2.6.5** Provide for existing large-scale manufacturing and processing activities and sites in rural areas through a specific zone designed to recognise the individual operating requirements and future development of these activities.
- 2.6.6** Manage the adverse effects of land use activities and development on each site in the Rural Industrial Zone using Concept Plans which indicate the overall development envelope for that site.



- 2.6.7** Maintain the amenity values of the rural areas around the existing large-scale manufacturing and processing activities and sites by managing the nature, scale and level of environmental effects originating from the Rural Industrial Zone.
- 2.6.8** Allow flexibility to enable the existing large-scale manufacturing and processing activities and sites to implement improved operational methods and plant efficiency whilst ensuring the adverse effects on the environment are avoided, remedied or mitigated.
- 2.6.9** Restrict non-industrial activities which may be incompatible with industrial activities in the Zone and encourage alternative locations for them in urban areas to protect the vitality and vibrancy of urban areas where these activities may be more appropriately located.
- 2.6.10** Manage potential reverse sensitivity conflict between the existing large-scale manufacturing and processing activities and sites, and sensitive activities through noise insulation requirements on new dwellings and noise sensitive activities.

Explanation of Policies

A range of industrial activities are undertaken within the Rural Industrial Zone which provide goods and services for the local, regional, national and international markets. These activities are mostly large-scale manufacturing and processing plants. The importance of these activities to the wellbeing of the South Taranaki District makes it critical to ensure that they are appropriately recognised and provided for.

The Rural Industrial Zone is designed to provide some certainty to these industries to accommodate their operational requirements and to allow flexibility that enables changes to achieve efficient use and development of resources. The zoning also gives the community certainty on the location of this type of industrial development and where the character of a particular location is anticipated to be different to that in the rural area generally.

Activities and development in the Rural-Industrial Zone are defined by the Concept Plans for each site. Concept Plans are used as an effective tool to recognise the current and future plans at each site and to manage the overall location, scale and environmental effects.

In addition, performance standards are designed to avoid, remedy or mitigate adverse effects impacting on surrounding areas, to protect amenity values and the quality of the environment. Where activities or development do not comply with the rules or performance standards, the resource consent process enables the effects of the proposal to be assessed.

Provided that the industrial activity can meet the performance standards, there is considerable flexibility of use within the Zone. Some activities may be unsuitable in the rural-industrial areas, as they may have different character and amenity expectations or detract from the vitality and vibrancy of urban areas where these activities should be located. For that reason there are constraints on the establishment of other activities in the Zone.

There is potential for conflict between incompatible activities and between different character and amenity values at zone boundaries. Each Rural Industrial Zone is surrounded by rural land, where the adverse effects of industrial activities may impact on the character and amenity values of these areas. These effects include noise, excessive light, heavy vehicle movements, rail movements and the visual appearance of buildings. Therefore, at the interface between the Rural-Industrial Zone and other zones, effects will be managed to minimise the potential for conflict. These interface tools include building requirements, screening, and lower noise requirements at the zone boundary or at a noise area boundary.

In addition, given the importance and existence of these large-scale industrial activities and sites to the district, priority is given to protecting the industrial activities from new sensitive activities to ensure the



industrial activities can continue to operate in an effective and efficient manner. This approach is implemented through the use of noise area boundaries and acoustic insulation requirements.

Methods of Implementation

The principal methods of implementation are:

- District Plan rules and performance standards permitted activities to provide for the functioning of industrial activities.
- Performance standards and setback requirements for activities so that industrial activities do not generate significant adverse effects of visual amenity, noise, vibration, odour, dust, glare and other nuisances.
- Use of concept plans in conjunction with performance standards and rules to establish the parameters for development for each site.
- Noise area boundaries and associated acoustic insulation standards for new sensitive activities in relation to the Rural Industrial Zone.
- Assessment of environmental effects through the resource consent process for proposals involving incompatible land use or activities in the Rural Zone or those not meeting performance standards. This includes assessment of cumulative effects on the long term sustainability of versatile land and productive land use.
- Conditions on resource consent applications to avoid, remedy or mitigate adverse effects on the rural character, amenity and quality of the environment, for example a road maintenance agreement to repair roads from heavy vehicle traffic damage, restrictions on hours of operation and noise levels, or landscaping, fencing and site restoration.
- Education to raise awareness about the nature, operations and potential adverse effects associated with large-scale industrial activities in rural areas.

Section 2.7 Tāngata Whenua

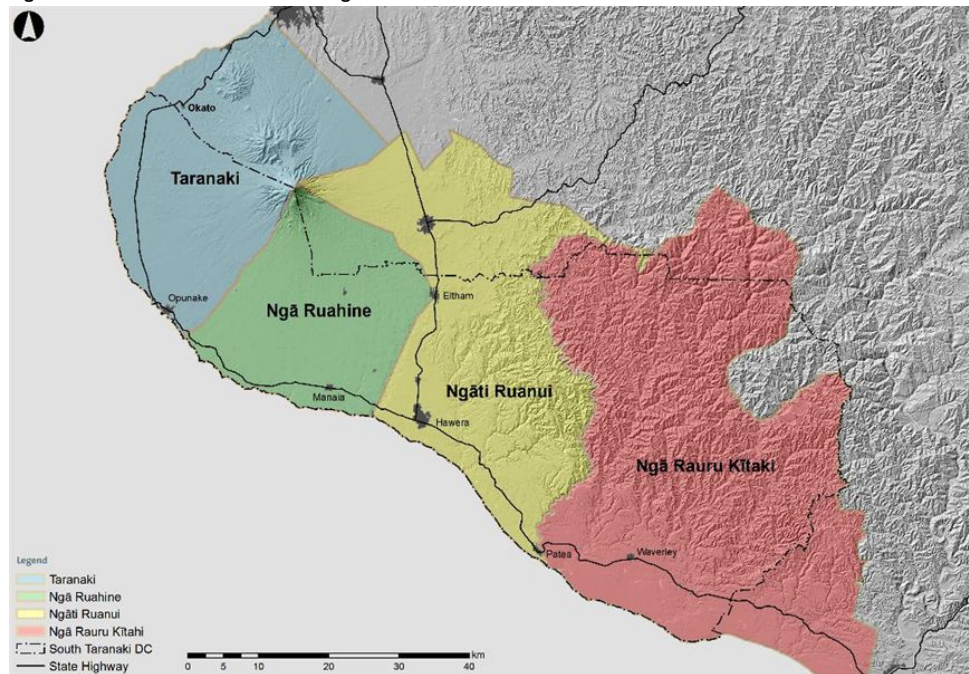
Issues

- 2.7.1** Appropriate ways need to be adopted to take account of Tāngata Whenua values and to involve Tāngata Whenua more actively in resource management processes and decision-making.
- 2.7.2** Appropriate ways to recognise ~~the principles of~~ the Treaty of Waitangi in the management of the District's natural and physical resources.
- 2.7.3** The lack of recognition of and provision for the relationship of Tāngata Whenua and their culture and traditions (including mauri) with their ancestral lands, waters, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
- 2.7.4** Loss, damage and degradation to sites and areas of cultural and spiritual significance resulting from inappropriate subdivision, use and development of land resources.

2.7.5 Providing for development by Iwi, and hapū and whānau (e.g. Marae, papakainga housing¹) that enhances their social, cultural and economic well-being while sustainably managing the environment.

The South Taranaki District Council exercises its functions within the rohe of four iwi: [Taranaki](#), [Ngāruahine](#), [Ngāti Ruanui](#), and [Ngā Rauru](#). Each Iwi has its own identity, values and associations with South Taranaki. In some instances these values and associations may be the same or similar between Iwi. In other instances these values and associations may be different and unique to a particular Iwi. All four Iwi have signed a Treaty of Waitangi deed of settlement (Ngāti Ruanui (2001), Ngā Rauru (2003), Ngāruahine (2014), and Taranaki (2015)).

Figure 1: Iwi boundaries in Taranaki region



The Resource Management Act 1991 sets out particular obligations on the Council, including Section 6 requiring the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga, be recognised and provided for as a matter of national importance. The Act also requires the protection of recognised customary activities as a matter of national importance. In addition, Section 7 states, when managing the use, development, and protection of natural and physical resources, particular regard needs to be given to Kaitiakitanga (guardianship).

In carrying out functions and powers in relation to the use, development and protection of natural and physical resources the Councils must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the Act. Three principles particularly relevant to the District Plan are partnership, participation and protection.

The principle of partnership at a local level is based on an effective working relationship between Tāngata Whenua and the Council. Like any partnership or relationship, it will develop and evolve over time. The success of this partnership will require all parties to contribute the necessary resources to

¹ S7.2 and S7.20

enable it to develop and grow. At an applied level, this partnership includes Tāngata Whenua and the Council working together such as through sharing of information and knowledge (e.g. sites and areas of cultural and spiritual significance to Tāngata whenua, proposals which may be of interest to Tāngata whenua) and respecting the views and obligations of each other.

For participation, this means involving Tāngata Whenua in resource management processes, such as District Plan Reviews/Changes, and resource consent applications. For example, the current practice of supplying mandated Iwi organisations with a list of recent resource consent applications enables Tāngata Whenua to be aware and respond to proposals which may be of interest and/or impact on resources of value to them.

The protection principle relates to the relationship of Māori, their culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga, as well as recognising customary activities. In addition, it is about applying kaitiakitanga (guardianship) managing the use, development, and protection of natural and physical resources. One particular issue in achieving this protection principle in South Taranaki is to protect values of sites and areas of cultural and spiritual significance to Tāngata Whenua. To do this requires both the identification and an understanding of the sites and areas. This process is anticipated to be led by Tāngata Whenua as the holder of this information and knowledge. One associated issue is the sensitivity of information regarding areas and sites and areas of cultural and spiritual significance.

Tāngata Whenua have a special relationship to the land and environment. The District Plan needs to address this relationship by managing the effects of land uses on land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga. In addition, it is important for Iwi and hapū to be able to maintain their traditional association with the land, whilst enabling the efficient use and appropriate development of their land to provide for their economic, social and cultural wellbeing, [which contributes to positive health outcomes for Māori.](#)² Certain land uses may be appropriate on Māori land, such as [Papakainga housing](#)³ and Marae, given the different title structure of Māori land. [It is also recognised that much ancestral land occupied by iwi, hapū and whānau is held under general title status. Opportunities to develop papakainga housing⁴ on these lands are also provided for within the District Plan for Māori to enable development of ancestral lands in accordance with tikanga Māori, regardless of land status.](#)

Furthermore, sites and areas of cultural and spiritual significance (e.g. wāhi tapu, tauranga waka (canoe landing sites), urupa (cemetery) and pa sites) are at risk from damage and destruction from inappropriate activities and development. Particular types of works that pose a threat to these sites and areas are those that involve excavation or construction. However, there is currently limited understanding and awareness of these sites and areas which may contribute to the risks of this damage and destruction. A better understanding and awareness of these sites and areas would result in their protection.

Objectives

- 2.7.6 To recognise and provide for the relationship of Tāngata Whenua and their culture and traditions (including mauri) with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.**

² S4.2

³ S7.2 and S7.20

⁴ S7.2 and S7.20

- 2.7.7 To protect sites and areas of cultural and spiritual significance to Tāngata Whenua from the adverse effects of inappropriate subdivision, use, and development of resources.
- 2.7.8 To recognise and provide for development and use of whenua⁵ by Iwi, ~~and~~ hapū and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.
- 2.7.9 To provide Tāngata Whenua with opportunities to participate and partner in resource management processes and decision-making.
- 2.7.10 To have particular regard to the concept of Kaitiakitanga as defined by Tāngata Whenua of the District in respect of the management of natural and physical resources.
- 2.7.11 To provide for papakāinga development⁶ on ancestral land⁷ ~~owned by Tāngata Whenua~~.⁸

Policies

- 2.7.12 Establish formal and informal working relationships with Tāngata Whenua within which a partnership regarding resource management matters may be defined, addressed and decided.
- 2.7.13 To actively engage with Tāngata Whenua when addressing matters of concern to Iwi and hapū, including recognition of the relationship of Tāngata Whenua and their culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
- 2.7.14 To encourage, where appropriate, as part of the determination of resource consent applications, consultation with Tāngata Whenua be undertaken and reported to the decision-making authority.
- 2.7.15 Identify sites and areas of cultural and spiritual significance to Tāngata Whenua for protection from inappropriate subdivision, use and development based on criteria developed with Tāngata Whenua.
- 2.7.16 Avoid effects in the first instance, and if they cannot be avoided, then remedy or mitigate any adverse effects of activities that could destroy, degrade or damage the cultural values associated with a site or area of cultural or spiritual significance when assessing proposals for subdivision, use and development.
- 2.7.17 Enable the development of papakāinga ~~housing~~⁹ whilst managing potential adverse effects on amenity values.

⁵ S7.9

⁶ S7.2 and S7.20

⁷ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁸ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁹ S7.2 and S7.20

- 2.7.18** Allow for papakāinga on:
- (a) Land held under Te Ture Whenua Māori Act¹⁰; and
 - (b) Ancestral land where it is¹¹ general title land; ~~where there is a demonstrated ancestral connection to the land¹² and that the land is intended to remain with Māori long term.~~
- 2.7.19** Enable the development and maintenance of Marae whilst managing effects on the character and amenity of the Residential, Commercial and Rural Zones.
- 2.7.20** Identify the Parihaka Cultural Area and recognise its historical and cultural significance to Tāngata Whenua and the community, by providing for development and a range of activities based on the needs and values of Tāngata Whenua.
- 2.7.21** Recognise and provide for development and a range of activities by Iwi ~~and~~ hapū and whānau on key sites to meet the needs and values of Tāngata Whenua.

Explanation of Policies

An effective working relationship between the Council and Tāngata Whenua in respect of resource management will continue to grow and develop with ongoing communication and commitment.

One key principle of the Treaty of Waitangi is the concept of partnership. The creation of the framework within which this can be achieved at a local level is dependent on the development of an effective working relationship between the Council and Tāngata Whenua. It is also reliant on the 'partnership' being able to develop, and the necessary resources, being made available to allow participation by Tāngata Whenua. These matters will continue to be addressed through the resource management framework. It is important that the community continues to be part of this process.

It is recognised that the relationship of Tāngata Whenua with their lands is typically a historic relationship. There is a desire by Tāngata Whenua to maintain and enhance this traditional relationship, both in terms of the current economic and social context and traditional setting. The Council will be largely dependent on Tāngata Whenua in identifying opportunities for how their traditional relationship can be maintained or enhanced.

Some proposals may be of interest or concern to Tāngata Whenua where their relationship with, and culture and traditions relating to land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga, may be adversely affected. Actively engaging with Tāngata Whenua can assist with understanding the history of a site and, the effects of the proposal, and if effects are identified, how these effects can be avoided, remedied or mitigated. Specific sites or types of activities that may be of interest or concern to Tāngata Whenua include:

- Proposals that affect statutory areas identified in Statutory Acknowledgements.
- Land development, subdivision, earthworks or other disturbance activities on sites that contain or are close to wāhi tapu, waka landing sites, locations for gathering kaimoana or other cultural sites or taonga.
- Disposal of waste in sites and areas of cultural and spiritual significance, such as the Coastal Protection Area and Outstanding Natural Features and Landscapes.

¹⁰ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

¹¹ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

¹² S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

- Modification of wetlands.

The protection of the values of sites and areas of cultural and spiritual significance to Tāngata Whenua requires both identification and an understanding of the sites and areas. As the information regarding these sites and areas is held by Iwi there needs to be appropriate processes in place to ensure that this information is made available in a timely fashion where a development has potential to adversely impact on these sites and areas. If the Council is not aware of the sites or values of these sites and areas then it becomes very difficult to assess the impact that any development may have. Policies 2.13.12-2.13.15 therefore also applies to the identification of sites or areas of cultural or spiritual significance by Tāngata Whenua during the resource consent process.

Identification of sites or areas of cultural or spiritual significance in a Schedule and shown on the Planning Maps is seen as an important step in moving towards a proactive approach. However, it is recognised that information about some sites and areas will be sensitive and Iwi may choose to limit the amount of information made publicly available. Compiling this Schedule will require on-going consultation with Tāngata Whenua and the development of criteria to determine if sites or areas should be listed in the Plan depending on their cultural and spiritual significance. It is anticipated this process for identifying sites or areas will be initiated and led by Iwi. A plan change or variation may be required in future to include these sites and areas to the District Plan.

Where sites or areas are not formally included in the District Plan it is recognised that the role that Tāngata Whenua can play within the planning process is more limited and is likely to be as an affected party for certain activities or activities in the coastal environment, near waterbodies or ground disturbance, or as a submitter when a resource consent application is notified. It is also noted that sites where archaeological evidence is uncovered will be protected by the Heritage New Zealand Pouhere Taonga Act 2014 which makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without prior authority of Heritage New Zealand.

Furthermore, the Council is obliged to include Statutory Acknowledgements arising from Treaty of Waitangi settlements in its District Plan. A Statutory Acknowledgement is a formal recognition by the Crown of the mana of Tāngata Whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an Iwi with the site, which is identified as a Statutory Area. In South Taranaki, these sites and areas include rivers (e.g. Pātea River, Waitotara River), recreation and conservation areas (e.g. Nukumarū Recreation Reserve). These statutory areas are used to inform provisions in the District Plan (e.g. schedules), decisions on who have affected person status for notification decisions for resource consent applications, and decision-making on proposals requiring resource consent.

Iwi and hapū seek to provide for and maintain their traditional institutions, such as Marae and papakāinga housing¹³, which foster retention of the customs and traditions of Māori. The District Plan provides for these institutions while ensuring the effects arising from this type of development do not adversely impact on the surrounding environment.

[Provision is made for papakāinga on general title land in the District Plan where applicants can demonstrate whakapapa/ancestral connection and¹⁴ long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapū and whānau long-term. In these cases, evidence such as historic titles that shows the land has been held in whānau ownership, and holding the](#)

¹³ S7.2 and S7.20

¹⁴ S5.10

[land in a Trust can be utilised. Council will also rely on the advice of iwi authorities for confirmation of an applicant's whakapapa/ancestral connection.](#)¹⁵

Specific provision is made in the District Plan for the settlement of Parihaka due to its historical significance and future aspirations. The District Plan provides for papakāinga housing¹⁶, visitor and recreational centres, commercial development and servicing to be established in the settlement. Site-specific provisions are applied to the Parihaka site to provide for the anticipated future development, while also ensuring the adverse effects are avoided, remedied or mitigated. Furthermore, recognition is also made for iwi or hapū that may wish to develop local community facilities and papakāinga housing¹⁷ on other sites in the district.

Methods of Implementation

The principal methods of implementation are:

- Individual relationship agreements are seen as an important tool to facilitate on-going dialogue and engagement between mandated iwi organisations and the Council as a basis to foster the partnership for dealing with resource management matters.
- Develop operational procedures between the Council and mandated Iwi organisations for resource consent applications for proposals that may adversely affect identified areas and sites and areas of cultural and spiritual significance, including when Iwi are identified as an affected party under the RMA. These procedures describe how the Council and Iwi can effectively interact, and would recognise that knowledge of these sites and areas is held by Iwi, sharing of information can assist in better decision-making, and that some information is culturally sensitive.
- Develop criteria to assess sites and areas of cultural and spiritual significance to Tāngata Whenua, including in the coastal environment, and identification on Planning Maps and listing in a District Plan schedule. The process for identifying sites and areas is to be initiated and led by Iwi.
- Adopt targeted District Plan rules and performance standards relating to the protection of sites and areas of cultural and spiritual significance, ~~and the provision of papakainga housing and Marae.~~
- [In providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.](#)
- Identification of the Parihaka Cultural Area for the Parihaka site and apply site-specific District Plan rules and performance standards to manage the nature and scale of development and activities.
- Conditions on resource consents to ensure the adverse effects of land use, subdivision or development are avoided, mitigated or remedied on sites and areas of cultural and spiritual significance, as well as in recognising and providing for the relationship the Tāngata Whenua and their culture and traditions (including mauri) with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
- Statutory acknowledgements that arise from Treaty of Waitangi settlements will be attached to the District Plan. The Council will have regard to these acknowledgements in its decision-

¹⁵ S5.10

¹⁶ S7.2 and S7.20

¹⁷ S7.2 and S7.20



making, such as when determining who may be adversely affected by a resource consent for activities within, adjacent to, or impacting directly on a statutory area identified in a statutory acknowledgement.

- The Council will encourage the preparation and lodgement of Iwi Management Plans by Iwi. Where the Plans have been lodged with the Council, Council will be guided by their contents to the extent that they are relevant to the resource management issues of the District.
- Develop operational procedures to outline how and when landowners would be included in any identification of sites and areas of interest to Tāngata Whenua, if Tāngata Whenua interests extend over land held in private ownership. This includes the identification of sites and areas of interest to Tāngata Whenua in resource consent applications, notices of requirement and/or future plan change processes.
- Actively encourage applicants to engage in discussions with Tāngata Whenua before lodging an application, and preferably prior to preparing any application.

Section 2.8 Transportation

Issues

- 2.8.1** The safe and efficient operation of the road and rail networks can be adversely affected by subdivision, land use and development, such as through additional traffic volumes, unsafe access and intersection arrangements, and over use of roads for parking.
- 2.8.2** Sensitive activities (e.g. residential dwellings) located in close proximity to major transport infrastructure can result in reverse sensitivity effects.
- 2.8.3** A disconnect between land use planning and transport planning can result in inefficient use of land, provision of excessive transport infrastructure, and higher costs for moving people and goods.
- 2.8.4** The safe and efficient functioning of the Hāwera Aerodrome and its future development could potentially be jeopardised by development in close proximity.

Safe and Efficient Operation of Road and Rail Networks

Transportation infrastructure provides for the movement of goods and people throughout the District and adjoining areas. The main transport infrastructure components are the State Highways, local roads and rail network. This infrastructure is a physical resource and requires protection from activities that may adversely affect its efficient and safe operation. Effects on the safe and efficient operation of the road and rail networks can arise from:

- Generation of traffic / increased volumes
- Parking, loading and turning impacts
- Lack of vehicle visibility and safe sightlines
- Access ways and vehicle crossings (side friction), and
- Traffic safety interventions, including from signage and distractions at intersections

In addition, the transportation infrastructure is critical to the growth and development of the District, so its capacity may need to be more fully utilised as well as continue to be extended.

The demand for parking is a generated effect of most activities. Poor parking behaviour on streets and footpaths creates a traffic hazard, visual detraction and an adverse impact on the amenity values of the area. Attention needs to be given when car parking is provided on site to minimise these effects. However, in the centre of towns (commercial areas), and for smaller sites and activities, it can be difficult and sometimes inappropriate to provide on-site parking as it is more desirable to maintain a continuous pedestrian frontage for shoppers.

Reverse Sensitivity Effects

Another issue arises when sensitive activities (e.g. residential buildings, schools, childcare centres) establish near an existing transport network and these sensitive activities subsequently complain about the effects from the existing transport network and seek these effects be addressed. This issue is defined as reverse sensitivity and is a particular issue for the main transport infrastructure of the State Highways and rail networks due to the noise they can generate.

Integrated Land Use and Transport Planning

Urban form and rural land use patterns and transport are inextricably linked. Development of transport infrastructure is a considerable investment and is costly to maintain. Planning the integration of land use and transport can make efficient use of existing transportation investment, and open opportunities to improve transport choice that enable the community to improve their wellbeing and reduce overall costs.

The South Taranaki District has a dispersed land use pattern reflecting its predominantly rural land use and relatively large distances between urban areas. Therefore, moving around and out of the District relies on high rates of private vehicle travel. However, due to the small size of the urban areas, there are opportunities for residents to use more sustainable (non-motorised) modes of transport.

Land use activities including subdivision and development can significantly influence travel behaviour. For example, residential development near services (such as health services, schools, local shops and public transport routes or stops) can reduce the need for private vehicle travel and increase walking and cycling. Conversely, dispersed forms of development, cul-de-sacs and poorly connected communities can increase the reliance on private vehicles.

Hāwera Aerodrome

Hāwera Aerodrome is a significant physical resource in the district located on the outskirts of Hāwera. The aerodrome is used for recreational, agricultural and training activities. The aerodrome is located in the Rural Zone and is surrounded by a mix of rural, commercial and industrial zoned land. The safe and efficient operation and management of this resource, and adequate recognition of the health and safety of people residing in close proximity is an issue for the aerodrome.

Objectives

- 2.8.5** Safe and efficient road and rail networks to ensure the reliable movement of people and goods.
- 2.8.6** Well-designed and located vehicle access and parking to ensure the safety of people, pedestrians, cyclists and vehicles and the efficient operation of the adjoining road network.



- 2.8.7** Protect the current and future efficiency, operation, safety and development of the State Highways and railway infrastructure.
- 2.8.8** To maintain the safe and efficient functioning and development of Hāwera Aerodrome, while avoiding or mitigating adverse effects from the airfield operation.

Policies

- 2.8.9** Recognise and provide for the State Highway network, and its primary function of providing for the safe and efficient movement of through traffic by managing direct access onto State Highways.
- 2.8.10** Develop and maintain a roading hierarchy of local (access), collector, and arterial roads, recognising their different functions in terms of access to adjacent properties, and the management of through traffic.
- 2.8.11** Establish a consistent approach to roading, access and subdivision design, in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure (including local amendments adopted by NPDC and STDC) and accepted national standards or guidelines, and require all works to be designed and constructed to meet these standards.
- 2.8.12** Avoid, remedy or mitigate the adverse effects that may arise from increased traffic or changed traffic type, and new or changed access and intersections, through the use of standards and controls.
- 2.8.13** When activities provide off-street parking, ensure that it:
 - (a) Is in proportion to the demand generated by all activities on the site. Parking areas may be shared by more than one activity where it can be demonstrated that the parking demand for each activity occurs at a different time or on a different day.
 - (b) Has both parking and loading spaces of such size, shape and layout to allow ingress and egress of vehicles without adversely affecting the safe and efficient function and operation of the adjoining road network.
 - (c) Is landscaped along road boundaries and adjacent to residential areas to maintain and protect amenity values.
- 2.8.14** Require every development adjacent to a proposed service lane to provide a loading bay that will be useable from the service lane once constructed.
- 2.8.15** Provide and maintain bicycle routes and facilities which are designed and located to encourage cycling as a safe, pleasant and efficient form of transportation, and to take into account the existing or potential use of any urban arterial street by cyclists when constructing or upgrading such streets.
- 2.8.16** Promote the efficiency of the railway and the primary role of the rail network by managing existing and new railway level crossings and vehicle crossings, and maintaining sight lines, to ensure the safe and efficient operation of both the road and the railway line.
- 2.8.17** Ensure that subdivision, land use and development adjoining State Highways and the rail network avoid, remedy or mitigate reverse sensitivity effects by protecting themselves from noise, particularly in habitable rooms.



- 2.8.18** Provide for the continued functioning and future development of Hāwera Aerodrome and manage the adverse effects caused by the operation of Hāwera Aerodrome on adjoining activities.
- 2.8.19** Protect the operation of Hāwera Aerodrome from the potential adverse effects created by nearby activities.
- 2.8.20** Improve the health and safety of individuals and community by locating buildings and structures away from the rail corridor, so that these items can be accessed and maintained entirely within the property, not the rail corridor.

Explanation of Policies

The road network provides for access into and across the District in a safe, convenient and efficient manner. A roading hierarchy is used to identify the function of each road with three main types: local (access), collector and arterial. The predominant function of arterial and collector road types is to provide for through traffic movements, while local roads predominant function is to provide access to properties and facilities. The highest level of the roading hierarchy is formed by the State Highway network. The primary function of the State Highway network is to provide for through traffic across the District, between others districts within the Region, and to the rest of New Zealand. In South Taranaki, the State Highway network consists of State Highways 3 and 45. The safety and efficiency of each road is maintained by applying different controls to each road type (e.g. property access, on-street parking) recognising their functions.

It is important both for the safety and convenience of road users and for the efficiency of ongoing maintenance of roads that they are designed and constructed using consistent standards. Local standards have been developed in conjunction with New Plymouth District Council which complement the New Zealand standards for road design and construction.

The use of land can create a number of adverse effects on the safety and efficiency of roads, for example, through excessive use of streets for parking, or through poorly sited access points. Many effects can be avoided or mitigated through compliance with standards imposed through the District Plan.

When on-site parking and loading areas are provided, they help produce a safer and more efficient roading system. Demand for parking and loading is generated by most activities. When provided, on-site parking and loading areas can decrease the amount of parking onto adjoining roads and neighbouring properties to reduce traffic hazards, visual detracting and impacts on the amenity values of the area. However, it is recognised in the town centres that when provided, on-site parking and loading is not always possible or appropriate.

The provision of numerous car parking spaces can have adverse effects on the amenity values of the area. Parking areas can create dust or mud if unsealed, and they can detract from the visual quality of the area. Attention to sealing, landscaping and screening will be required to reduce these adverse impacts.

The development of a network of pedestrian paths and cycleways in the District would support the opportunity for residents and visitors to move between areas and around the District. The provision of cycle parking in convenient and accessible locations, such as near or at schools, retail areas, recreation reserves, public transport locations and other community facilities would support cycling. An efficient approach in providing this land transport infrastructure is for the Council to work in partnership with or support other agencies.

The railway is an important physical resource in the District, particularly for the movement of goods. Inappropriate development at the intersection of the road and railway networks can compromise the safety of both road and rail users. In addition, new access or changes to existing access across the railway can affect the safety and efficiency of the rail network. Therefore, standards are applied in the District Plan to manage access over the railway and sightlines at nearby intersections.

Some development in close proximity to the state highways and railway may adversely affect the safe and efficient functioning of this major land transport infrastructure. Due to their historic location and development, landowners need to accept a certain level of effects emanating from this infrastructure. Measures to mitigate adverse effects, such as building setbacks from the infrastructure and acoustic insulation of buildings by using barriers and acoustical treatment of buildings, are required for residential units and other sensitive activities in the vicinity of these major road and rail corridors.

KiwiRail manages trespass into the rail corridor. To maintain existing buildings that are close to, or on, the boundary of the rail corridor, individuals will often go beyond their property boundary and into the rail corridor; a high risk environment. The risk has a relatively low probability, but has high and potential fatal consequences. The risk of harm varies due to the width of the rail corridor and proximity to an actual live railway track. The use of rail corridor setbacks to position buildings a sufficient distance back from the rail corridor and enable individuals to access and maintain these buildings without entering the rail corridor itself will, over time, remove some reasons to illegally access the rail corridor.

Hāwera Aerodrome is used by aircraft for recreational, agricultural and training activities. The existing aerodrome consists of three grass runways and an assortment of buildings (hangars, maintenance buildings and clubrooms). Providing for ongoing development at the aerodrome enables it to change and adapt over time to meet the needs of the local community. During busy periods, some moderate aircraft noise beyond its boundary can be expected, potentially at levels that could adversely impact on people living nearby. The District Plan includes specific noise and building provisions to allow the airfield to operate in an effective manner subject to the necessary constraints to protect the health and amenity of adjacent residents.

Development in the vicinity of the aerodrome could potentially affect the operation of the aerodrome, such as obstructions into flight paths. Civil Aviation Authority of New Zealand has adopted specifications defining the obstacle-free air space around the airfield. These surfaces are known as obstacle limitation surfaces and are defined in terms of distances from the runway and heights relative to the runways.

Furthermore, problems can occur when new development of a type likely to be sensitive to aircraft noise (particularly residential use) occurs within close proximity to one of the Aerodrome's runways and associated flight paths (a phenomenon called 'reverse sensitivity'). Over time, complaints can create problems for the continued effective and efficient operation of the airport. For this reason, it is important to limit potential future problems preventing the intensification of residential activities within close proximity of the Aerodrome.

Methods of Implementation

The methods of implementation include:

- Identification of a road hierarchy to assist in assessing the potential effects of an activity on the functioning of the network.
- Identification of Inner and Outer Control Boundaries for Hāwera Aerodrome for managing the noise issues.
- Identification of Control Surfaces for Hāwera Aerodrome to manage the height of buildings, structures and other items that could create an obstacle for flying aircraft.

- District Plan rules and performance standards relating to road widths, design speeds, design of vehicular access, dimensional standards, landscaping and sightlines at railway level and vehicle crossings.
- District Plan rules and performance standards for setback requirements and acoustic insulation for activities close to State Highways and the railway.
- District Plan rules and performance standards relating to the noise from aircraft movements at Hāwera Aerodrome and acoustic insulation for activities near the aerodrome.
- Assessment of environmental effects through the resource consent process for proposals not meeting performance standards. This includes assessment of effects on the safety and efficiency of the road and rail networks.
- Conditions on resource consent applications to avoid, remedy or mitigate adverse effects on the safety and efficiency of the transport networks.
- Works and services including road construction, shape correction and enhancement of existing streets, roads, cycle routes, pedestrian access ways, public carparking and service lanes.
- Coordination with other agencies (e.g. NZTA, KiwiRail, Taranaki Regional Council) with responsibilities for the transportation networks and services to identify and address issues like the implementation of associated policy documents such as the Regional Land Transport Programme.
- Compliance and implementation of:
 - NZS 4404:2010 Land Development and Subdivision Infrastructure (including local amendments adopted by NPDC and STDC).
 - NZS 4121:2001 Design for access and mobility: Buildings and associated facilities, and
 - AS/NZS 2890:2004 Parking Facilities (in 6 parts).

Section 2.9 Hazardous Substances and Contaminated Land

Issues

- 2.9.1** The risks of adverse effects on the environment and human health associated with the use, disposal, storage and transportation of hazardous substances.
- 2.9.2** The risks to human health and property from incompatible land use when new sensitive activities locate in proximity to existing significant hazardous facilities.
- 2.9.3** The use and development of potentially contaminated land can lead to adverse effects on the environment and human health, when the necessary remediation or management measures have not been undertaken prior to use.

Hazardous substances are used throughout the District for many purposes, with their use, storage, transport and disposal being an integral and essential part of many activities, particularly in the Rural and Rural-Industrial Zones. Common hazardous substances used by activities include fuels such as petrol, diesel and LPG, fertiliser, some pesticides, gases, solvents, cleaners, oils and various corrosive substances. Such activities include oil and gas, forestry, agriculture, industrial and commercial operations. It is important to recognise that while the substances used by these activities may be hazardous, they also have a number of benefits. Beneficial ways in which hazardous substances are used include the use of chemicals to treat water or clean factory plant and equipment; or the storage of diesel so that goods and products can be transported from the factory site. Although generally stored in

small quantities, the positive benefits of hazardous substances is also experienced at a domestic scale, for example the storage of solvents such as mineral turpentine or garden chemicals such as insecticides. Although beneficial, hazardous substances also have the potential to adversely affect the health and safety of communities and the health and sustainability of the natural and physical environment and for this reason, the District Plan must respond accordingly.

There are several ways in which hazardous substances are managed. In the first instance, the Hazardous Substances and New Organisms (HSNO) Act 1996 and its specific regulations provide a comprehensive framework for controlling hazardous substances during their whole life cycle, from manufacturing and importing a substance, its transportation and storage, through to its use and disposal. Under HSNO, the Environmental Protection Authority is the regulatory agency who assess and decide on applications which seek to introduce hazardous substances or new organisms into New Zealand. Under the Health and Safety at Work (HSW) Act, WorkSafe New Zealand is responsible for the use of hazardous substances in workplaces, such as factories, farms and drilling sites.

Complementary to the HSNO Act, the RMA enables Councils through their District Plans to include additional land use controls for the prevention or mitigation of any adverse effects of the storage, use, disposal and transport of hazardous substances. Significant hazardous facilities can pose a risk to surrounding land uses from emergency events, such as explosions or large fires. Such emergency events have a very low probability of occurring, though if they occur, they can pose high potential harm to nearby people and damage to property. Land use controls may relate to matters such as the location of hazardous facilities, their potential impacts on other land uses and the natural environment, and the transport of hazardous substances that are undertaken as part of the hazardous facility's operation.

Past activities, such as heavy industry and disposal of waste material, has resulted in some land being contaminated. The subdivision, use or development of contaminated land can increase the risk of exposing the environment to contaminants. Adverse effects can occur particularly if contaminated land is disturbed. Both remediation and development of land can disturb previously contained contaminants. This can lead to the discharge of contaminants to onsite or offsite areas that are sensitive.

Both District and Regional Councils have roles in managing contaminated land. Under the RMA, Regional Councils are responsible for the investigation of land to identify and monitor contaminated sites, while District Councils control land use to prevent or mitigate the adverse effects of the development, subdivision or use of land on contaminated or potentially contaminated sites. The District Council's response to issues of soil contamination are largely governed by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).

The NES contains planning controls and references the Hazardous Activities and Industries List (HAIL) - a list of activities and industries that are considered likely to cause land contamination. These regulations ensure that land affected by contaminants is identified and assessed before it is developed and if necessary, the land is remediated or the contaminants contained to make the land safe for human use. In most cases the responsibility for the management of the environmental effects of development on contaminated land will sit with the Taranaki Regional Council (e.g. the leaching of contaminants to waterbodies or groundwater from land development or disturbance activities), however the District Plan must recognise the NES and give effect to it through its objectives, policies and rules.

Objectives

- 2.9.4 Recognise the important benefits associated with the use, storage, disposal and transportation of hazardous substances whilst also ensuring that risks to the environment and human health are minimised to acceptable levels.**

- 2.9.5** Avoid or mitigate the risk of adverse effects on human health from the subdivision, land use changes or remediation of contaminated or potentially contaminated land.

Petroleum Exploration and Petroleum Production

- 2.9.6** Recognise the important benefits associated with the use, storage, disposal and transportation of hazardous substances associated with petroleum exploration and petroleum production activities whilst also ensuring that risks to the environment and human health are:
- (j) Avoided where the risks are unacceptable; and
 - (k) Minimised for lesser risks as low as reasonably practicable (ALARP).
- 2.9.7** Sensitive activities are located where they:
- (l) Avoid areas exposed to an unacceptable level of risk from existing petroleum exploration and petroleum production activities; and
 - (m) Do not compromise existing petroleum exploration and petroleum production activities due to reverse sensitivity effects and /or incompatibility.

Policies

Significant Hazardous Facilities

- 2.9.8** Ensure significant hazardous facilities are located, designed, constructed and managed to minimise risk to the extent practicable and avoid Unacceptable Risk to the environment and human health.
- 2.9.9** Ensure appropriate facilities and systems are provided to avoid accidental or unintentional release, or loss of control (such as spills and gas escapes) of hazardous substances.
- 2.9.10** To avoid duplication of the regulation of activities controlled by the Hazardous Substances and New Organisms Act 1996 (HSNO) and other workplace safety law by:
- (a) Generally providing for activities that meet the relevant requirements of the HSNO Act and other workplace safety law as permitted activities; and
 - (b) Only requiring resource consents for activities that may have actual and potential effects that are cumulative, or where there is significant potential risk of adverse effects on the environment or human health not otherwise addressed by HSNO Act and Health and Safety at Work Act and associated regulations.
- 2.9.11** Manage the location of significant hazardous facilities by:
- (a) Locating significant hazardous facilities to avoid or adequately mitigate adverse effects, including risks, to people, property and the environment in the following situations:
 - (i) In close proximity to sensitive activities;
 - (ii) Within and adjacent to significant areas of indigenous vegetation and habitats of indigenous fauna;
 - (iii) Adjacent to significant waterbodies;

- (iv) Within and adjacent to Sites of Significance to Tāngata Whenua or sites of historical or archaeological significance;
 - (v) Within the Coastal Protection Area and Flood Hazard Area, and areas at risk of ground rupture from known active faults.
- (b) Ensuring adequate separation distances or other measures between significant hazardous facilities and activities sensitive to significant hazardous facilities to avoid or adequately mitigate risk to people and property; and
 - (c) Identifying, assessing and managing adverse effects (including cumulative) of significant hazardous facilities to mitigate risk to people, property and the environment.
- 2.9.12** Manage potential reverse sensitivity conflicts between existing lawfully established significant hazardous facilities and new sensitive activities through subdivision and land use activity controls and other appropriate measures.
- 2.9.13** Disposal of hazardous wastes is to be undertaken in an environmentally safe manner at authorised facilities to avoid the risk of hazardous substances creating adverse effects on the environment and human health.
- 2.9.14** Transportation of hazardous substances, including wastes, as part of a land use activity should be undertaken in a safe manner, by modes and transport routes which prevent or minimise the risk of adverse effects on other land use activities, the environment, and other transport users.

Petroleum Exploration and Petroleum Production

- 2.9.15** Ensure petroleum exploration and petroleum production activities are located, designed, constructed and managed to avoid Unacceptable Risk and minimise lesser risks as low as reasonably practicable (ALARP) to the environment and human health.
- 2.9.16** Ensure new petroleum exploration and petroleum production activities are located where they do not expose existing sensitive activities to Unacceptable Risk.
- 2.9.17** Require new petroleum exploration and petroleum production activities to internalise the Unacceptable Risk within the site of the activity unless, where the Unacceptable Risk extends outside the site of the activity, a mechanism avoids the Unacceptable Risk to sensitive activities.
- 2.9.18** Ensure additions and alterations to existing petroleum exploration and petroleum production activities do not expose existing sensitive activities to Unacceptable Risk.
- 2.9.19** Encourage additions and alterations to existing petroleum exploration and petroleum production activities to internalise the Unacceptable Risk within:
- (a) the site of the existing petroleum activity; or
 - (b) land owned by the operator; or
 - (c) land where the operator has an enforceable interest (including lease, covenant or legal contract).
- 2.9.20** Manage additions and alterations to existing petroleum exploration and petroleum production activities where:
- (a) the Unacceptable Risk extends outside the existing Petroleum Activity Risk Contour, or

- (b) there is no Petroleum Activity Risk Contour;

to avoid Unacceptable Risk to sensitive activities and minimise the lesser risks as low as reasonably practicable (ALARP).

- 2.9.21** Manage additions and alterations to existing petroleum exploration and petroleum production activities where there are existing sensitive activities within the existing Petroleum Activity Risk Contour to ensure:

- (a) the Unacceptable Risk to the existing sensitive activity is avoided; or
- (b) where the Unacceptable Risk cannot be avoided, risk to the existing sensitive activity is not increased and is minimised to as low as reasonably practicable (ALARP).

- 2.9.22** Avoid the establishment of petroleum exploration and petroleum production activities which use, store or handle hazardous substances in the Residential Zone and Township Zone due to risk to the environment and human health.

- 2.9.23** Identify and keep up-to-date on the Planning Maps the Petroleum Activity Risk Contours related to existing petroleum exploration and petroleum production activities using a level of risk threshold of 1×10^{-6} (risk contour).

- 2.9.24** That Petroleum Activity Risk Contours will be uplifted from the Planning Maps in whole or in part and for separation distances to no longer apply where:

- (a) there are no risk generating activities being undertaken; or
- (b) the level of risk reduces significantly and extant consents or rules do not enable risk generating activities to establish or intensify in the future.

- 2.9.25** Avoid new sensitive activities locating in areas which are exposed to Unacceptable Risks from existing petroleum exploration and petroleum production activities.

- 2.9.26** Where there is no Petroleum Activity Risk Contour, manage the location of new sensitive activities near existing petroleum exploration and petroleum production activities by applying separation distances based on generic fatality consequence distances for petroleum exploration and petroleum production activities.

Contaminated Land

- 2.9.27** Identification of sites that may be subject to potential contamination as a result of historical land uses and activities.

- 2.9.28** Require that subdivision and land use changes on pieces of land that have a history of activities that could have resulted in contamination of the soil to undertake a preliminary site investigation to confirm whether there will be a risk to human health and whether further investigation, remediation or management is required, to ensure that the land is suitable for the intended exposure to humans.

- 2.9.29** Ensure that all remediation, land use, subdivision and redevelopment of land affected by soil contamination prevents or mitigates adverse effects on and risk to human health and ensures that any residual levels of contamination is appropriate for the proposed future use of the land via management measures which may include remediation, containment or disposal of contaminated soil.

Explanation of Policies

Hazardous Substances

These objectives and associated policies have been specifically drafted to avoid duplication between the District Plan and the HSNO Act and other regulations managing hazardous substances. The Council recognises that the HSNO Act is the primary legislation that controls the manufacture, import, transportation, storage, use and disposal of hazardous substances, and that it manages hazardous facilities. Under the HSNO Act, the Environmental Protection Authority is the regulatory agency who assess and decide on applications which seek to introduce hazardous substances or new organisms into New Zealand. Under the Health and Safety at Work (HSW) Act, WorkSafe New Zealand is responsible for the use of hazardous substances in workplaces, such as factories, farms and drilling sites.

Whilst compliance with the HSNO Act, HSW Act and other regulations will generally ensure that any adverse effects arising from the use, storage, disposal and transportation of hazardous substances are effectively managed, the District Plan applies additional controls on significant hazardous facilities and for sensitive environments. Significant hazardous facilities can adversely affect the environment and community if they are not appropriately sited and/or managed. Particular regard would be had to risks to neighbouring property (including dwellings) and the community from fire, explosion or natural hazard events affecting the significant hazardous facility. For these reasons, Rural Industrial zoned land has been identified as the most appropriate location for significant hazardous facilities to locate, , acknowledging that the Rural Zone can also accommodate significant hazardous facilities if effects can be appropriately managed. However, in identifying this, it is recognised that these zones often contain sensitive natural environments or have unusual characteristics (i.e., waterbodies, natural hazards etc) that also need to be taken into account and carefully managed. The District Plan therefore applies controls where particular locations have been identified where the environment may be more sensitive to adverse effects from significant hazardous facilities. In addition, a risk assessment for each new significant hazardous facility would determine the appropriate distance for locating this facility in relation to existing sensitive activities.

The Plan manages the risks to human health and the environment from additions and alterations to existing petroleum exploration and petroleum production activities as well as risks from new sensitive activities locating close to existing petroleum exploration and petroleum production activities.

The risks from petroleum exploration and petroleum production activities cannot be fully eliminated, only reduced. There is a level of risk of human fatality that is considered unacceptable. The Plan defines this as the "Unacceptable Risk". Where risks are not unacceptable, the Plan adopts the principle of minimising risks to As Low As Reasonable Practicable (ALARP) which is concept used in health and safety context.

In relation to new petroleum exploration and petroleum production activities, the Unacceptable Risk is to be internalised within the site of the activity unless, and where the Unacceptable Risk extends outside the site of the activity, an enforceable mechanism(s) is in place to avoid the Unacceptable Risk to sensitive activities. For example, such mechanisms may comprise covenants or legal agreement between the operators and neighbouring landowner.

In addition to the above, it is equally important that more sensitive activities such as residential subdivision and development are managed so that reverse sensitivity matters can be averted. The risk posed by significant hazardous facilities is often directly related to the nature and proximity (particularly in terms of population density) of the more sensitive receiving environment. The establishment of new sensitive activities close to an existing significant hazardous facility may result in unacceptable risks to the new activity and/or reverse sensitivity effects on the existing facility. Accordingly, site-specific (e.g. 1×10^{-6} individual fatality risk contour) and the zone-based (e.g. setbacks and list of activities) sections of the District Plan contain provisions to manage incompatible land uses and reverse sensitivity matters.

Where petroleum exploration or petroleum production activities are decommissioned and/or wells capped, and the ability to establish or intensify in the future is not enabled by the rules or consents, there is no longer a risk to sensitive activities. In these circumstances, the provisions to manage incompatibility and reverse sensitivity for new sensitive activities no longer apply.

In terms of the potential risks to the environment and human health, the inappropriate disposal of hazardous waste can result in contamination of soil, air, groundwater or surface water, both at the source and at locations remote from the source through migration. The improper release of hazardous substances into the environment presents a major threat to the life supporting capacity of the environment and community health. Hazardous waste must be disposed of at a licensed hazardous waste facility that can accept such waste, or alternatively be treated to reduce the level or mobility of the contaminants to acceptable levels.

The transport of hazardous substances on land (including State Highways and local roads) is controlled by the Land Transport Rule: Dangerous Goods 2005 (created under the Land Transport Act 1998), and New Zealand Standard 5433:2007 which is a means of compliance. Accordingly it is not considered necessary for the transport of hazardous substances in the District to be the subject of resource consent.

Contaminated Land

There are a number of potential sites in South Taranaki that may have been contaminated from previous activities. However, not all the contaminated land has been identified, or limited or no information exists about the nature and extent of contamination. For the identification of potentially contaminated land, the Council uses the Regional Council's Register of Selected Land Uses and the [Ministry for the Environment's Hazardous Activities and Industries List \(HAIL\)](#). HAIL is a list of activities that are considered likely to cause land contamination and therefore provides guidance for identifying potentially contaminated land.

The policies are based on implementing the [Resource Management \(National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health\) Regulations 2011](#). These controls are mandatory and apply to specific activities which heighten risks to human health on sites which are identified as potentially contaminated (e.g. earthworks or a change from industrial or horticultural to residential use).

Site investigations are required when a piece of land has been used for an activity which could result in contamination. The investigations are to determine whether the land is contaminated and what level of contamination is present.

Any activity that seeks to remediate, use, redevelop or subdivide contaminated, or potentially contaminated land, will be assessed. This assessment will ensure that proper and safe measures are undertaken and that management practices will not lead to further degradation of the site or surrounding environment or present a risk to human health.

The subdivision, use, and development of potentially contaminated land is restricted until the presence or absence of contamination is confirmed and any risks to human health and the environment is remediated to a level that is appropriate for the proposed activity and likely future uses.

Methods of Implementation

The methods of implementation include:

District Plan

- District Plan rules and performance standards to manage significant hazardous facilities.

- Assessment of environmental effects through the resource consent process for significant hazardous facilities, including where they do not meet performance standards. If written approval (or agreement by any other instrument) is provided with a resource consent application, this approval does not prevent consideration of the effects on the wider environment (including Part 2 matters of health and safety), including on persons who may visit or on persons residing at the property and whose written approval has not been obtained.
- Conditions on resource consents to avoid or reduce the potential risks from significant hazardous facilities.
- Reliance on the [National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health](#) for assessing and managing the adverse effects of contaminated and potentially contaminated land with regard to the protection of human health.

Other Regulations

- Reliance on the [National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health](#) for assessing and managing the adverse effects of contaminated and potentially contaminated land with regard to the protection of human health.
- [HSNO Act](#) sets out technical standards for the use, storage, inspection, identification and regulation of hazardous substances, including Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 and Hazardous Substances (Emergency Management) Regulations 2001.
- Other regulations apply to specific circumstances or activities, such as Health and Safety at Work (Major Hazard Facilities) Regulations 2016, Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016, and Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016.
- Other legislation, such as the [Building Act 2004](#), [Health and Safety in Employment Act 1992](#), and the [Transport Act 1992](#), include provisions relating to the use, storage, disposal or transportation of hazardous substances.
- Implementation of relevant bylaws, such as the Trade Waste Bylaw.

Collection and Provision of Information

- Promote the use of good practice guidelines, industry standards, codes of practice, and cleaner production methods in the use, storage and transportation of hazardous substances.
- The Council will cooperate with the Taranaki Regional Council and landowners to identify potentially contaminated sites, share information and assist in compiling a register of managed, confirmed and remediated sites in the District.
- Make available to the public, through Project Information Memoranda (PIMs) and Land Information Memoranda (LIMs), information about contaminated land held by the Council.
- Collect and maintain publicly available information about the level of risk from petroleum exploration and petroleum production activities. This information would be supplied by operators of petroleum exploration and petroleum production activities via resource consent applications or in meeting their obligations under other legislation or regulations.
- Maintain outside of the District Plan a publicly available schedule of:
 - (c) Production stations/gas treatment plants that do not have a Petroleum Activity Risk Contour; and
 - (d) Existing well-sites, consented well-sites, and decommissioned well-sites where:
 - Unacceptable Risk extends outside the property boundary; or

- Where Unacceptable Risk has not been determined, a 250m setback from the source of risk extends outside the property boundary.
- Regularly share changes to risk assessment information and risk contours between operators and the Council, and undertake plan changes to keep the Petroleum Activity Risk Contour shown on the Planning Maps up to date.
- Identify on the Planning Maps an alert layer that is subject to the potential presence of contaminants from abnormal flare operation at a petroleum facility, which has the potential to cause acute health effects. As the probability of an acute health effect occurring is low, this alert layer (the Petroleum Flare Alert Area) is non-regulatory and no District Plan rules are triggered by it. This alert layer is measured 70m from flares at well-sites and 300m from flares at production stations.

Section 2.10 Energy

Issues

- 2.10.1** Recognition of the oil and gas resources in the District, and the existing and future exploration, development, production and distribution activities using and developing these energy resources.
- 2.10.2** Recognition of the renewable energy resources in the District and the benefits that can derive from the use and development of these resources from renewable electricity generation activities.
- 2.10.3** The investigation, exploration, prospecting, development, production, transmission and distribution of oil and gas activities and renewable electricity generation activities can cause adverse effects, particularly with regard to amenity, landscape, ecological, historic heritage, Tāngata whenua values, cultural and traffic.
- 2.10.4** Poorly designed and located subdivision, land use and development can result in inefficient use of energy, such as inefficient travel patterns and dwellings with limited solar access.

Energy

Energy resources refers to the use of natural and physical resources which are used to produce or generate fuel and electricity. The use of these resources involves the exploration, development and production of non-renewable energy (also referred to as petroleum energy) resources such as oil, gas and coal, as well as renewable energy resources such as wind, hydro and geothermal. In New Zealand, the above examples are the main sources of energy.



Local Resources

The Taranaki region has had a long association with the oil and gas industry and contains two of New Zealand's oldest and most productive gas fields – Kapuni and Maui. Of particular importance to the South Taranaki District are the on-shore production stations located at Kapuni and Oaonui.

The Kapuni field is the oldest producing gas and condensate field in New Zealand with production beginning in 1969. This production station is the origin of a reticulated gas network around the North Island. The Maui production station at Oaonui marks the start of the Maui transmission pipeline that runs 307km northwards, linking into other gas production stations, (including the pipeline's namesake, the off-shore Maui site) through to the Huntly Power Station. Also of significance to the District are gas and oil fields that supply the production stations of Kupe and Rimu.

A significant issue for the district is a need to recognise the presence of existing oil and gas operations and provide for their ongoing efficient and effective functioning, as well as to provide opportunities for further exploration and development. The oil and gas industry make a significant contribution to the energy resource supply at a national level, particularly for the supply of gas. Economically the industry is very important to South Taranaki District and accordingly the District Plan contains provisions to support the on-going operation of this sector.

While the energy sector in South Taranaki is dominated by oil and gas, the District also has renewable energy resources, particularly wind and water (hydro). Existing renewable electricity generation includes the 32 MW Pātea Hydroelectric Power Scheme on the Pātea River (forming Lake Rotorangi), and the smaller Ōpunakē and Normanby Hydro power schemes.

At a large-scale, the key potential source of renewable energy development in South Taranaki is wind. Investigations show that there is a good wind resource along the south coast of the District, as well as land capacity for wind generation facilities and infrastructure. This potential is particularly important in the Council's role in helping to achieve energy policy objectives and/or renewable electricity targets set out at Central Government level.

Renewable energy

While potential renewable electricity generation in South Taranaki is likely to be from hydro and wind resources, it is important to note that renewable energy is also produced from solar, geothermal, biomass, tidal, ocean current and wave energy sources. Exploring new ways to harness renewable energy is of particular significance, as it not only brings economic benefits, but does so in a way which is sustainable and efficient. Renewable resources are not depleted meaning resource supply is ongoing. When compared with the burning of fossil fuels, renewable energies typically involve less carbon or methane emissions which can contribute to climate change.

At a domestic scale, there are various ways to use natural sources of energy, including solar water heating or solar panels, and small wind turbines. Options for large-scale solar generation, biomass or wave energy may become more technically and economically viable in the future. Specifically, biomass development continues to gain momentum, especially the use of organic wastes (e.g. manure, other farm waste, waste wood, landfill waste and methane) for fuel, heat and electricity generation.

Energy efficiency and the use and development of renewable energy are matters the Council must have particular regard to under Section 7 of the RMA. There is also national policy direction (National Policy Statement for Renewable Electricity Generation 2011 (NPSREG)) which requires that all district plans provide for, and recognise the benefits of, renewable electricity generation. In addition, the Taranaki Regional Policy Statement 2010 (RPS) contains specific objectives and policies on renewable energy that seek to promote the use and development of renewable sources of energy and increase efficiency in this area.



In light of the Council's obligations to these higher order documents, the District Plan promotes the use and development of renewable energy resources and accordingly contains provisions to provide for their establishment and land use management.

Adverse Effects

While, the energy sector can positively contribute to the social, economic, and cultural well-being of the District, energy developments also have the potential to generate a range of adverse effects. Particular issues include landscape and amenity effects as energy resource infrastructure is often visible and/or located in elevated positions. Other adverse effects can include issues associated with glare, noise, traffic, hazardous substances, ecological values, archaeological values and the values of Tāngata whenua. It is therefore important that the District Plan gives appropriate consideration to such effects and accordingly it seeks to manage potential impacts.

Energy Efficiency

As well as having regard to the benefits of renewable energy, Section 7 of the RMA requires Councils to have particular regard to "the efficiency of the end use of energy". Energy efficiency should be an important consideration in the design and construction of buildings, subdivisions and transportation networks, and in the ongoing use of those resources.

Transmission

Large-scale electricity generation, and potentially small-scale electricity generation, requires connection to the National Grid network or the distribution network. The issue of electricity transmission is addressed in the section on Network Utilities.

Objectives

- 2.10.5** To recognise the significant local, regional and national benefits from the use and development of non-renewable energy resources by providing for the prospecting exploration, development and production of oil and gas energy activities.
- 2.10.6** To recognise the significant local, regional and national benefits from the use and development of renewable energy resources by providing for the investigation, development, operation, maintenance and upgrading of renewable energy activities, including electricity generation.
- 2.10.7** To ensure the adverse effects of oil and gas and renewable energy activities are avoided, remedied or mitigated, particularly adverse amenity, landscape and traffic effects on the District's infrastructure, sensitive environments, wāhi tapu sites/areas, sites of importance to Tāngata whenua, and nearby land uses and infrastructure, while recognising their technical, locational and operational constraints.
- 2.10.8** To promote energy efficient development and travel patterns.

Policies

General

- 2.10.9** Provide for the identification, investigation, prospecting and exploration of new potential sites and energy sources for energy resource activities.
- 2.10.10** Ensure that the investigation, prospecting, exploration, development, use, production, and generation of energy resource activities, is managed in a way that recognises the national, regional and local benefits of the use and development of energy, while avoiding, remedying and mitigating adverse effects on the environment, including cumulative effects.
- 2.10.11** Ensure that investigation, prospecting, exploration, development, use, production, and generation of energy resource activities are appropriately located to:
- (a) avoid adverse effects of activities on the characteristics and qualities that contribute to:
 - (i) natural character in areas of the coastal environment identified as having outstanding natural character; and
 - (ii) the values of outstanding natural features and landscapes;
 - (b) avoid significant adverse effects and avoid, remedy or mitigate adverse effects of activities on the characteristics and qualities that contribute to natural character, or other natural features and landscapes, in all other areas of the coastal environment;
 - (c) avoid, remedy or mitigate adverse effects of activities on:
 - (i) the other special values and qualities of the coastal environment; and
 - (ii) the character and amenity values of the urban environment.
- 2.10.12** Ensure that the adverse effects, including reverse sensitivity effects, of incompatible subdivision, land use or development on the safety, efficiency, operation and maintenance of existing lawfully established energy resource activities are avoided or mitigated.
- 2.10.13** Where the adverse effects of oil and gas energy activities and renewable electricity generation activities cannot be avoided, remedied or mitigated, have regard to any offset measures and/or environmental compensation that is of benefit to the environment and, where appropriate, the affected community proposed or agreed to by the applicant.
- 2.10.14** In determining an application for resource consent for the use and development of renewable energy resources where any potential adverse effects are not fully understood or are uncertain and associated risks are considered to be acceptable, have regard to the merits of adopting adaptive management measures to avoid, remedy or mitigate any adverse effects on the environment.

Oil and Gas Energy Activities

- 2.10.15** Recognise the locational, operational and technical constraints on the use and development of oil and gas energy resources, including the particular constraints affecting exploration, prospecting, development, production and distribution.

Renewable Electricity Generation Activities

- 2.10.16** Recognise the potential of the available wind resource along the coast in South Taranaki to provide for renewable electricity generation activities.

- 2.10.17** Recognise and provide for the potential for biofuels, biogas and biomass energy and electricity generation associated with forestry harvesting, and agricultural and horticultural practices.
- 2.10.18** Recognise and provide for the benefits of small or community-scale renewable electricity generation activities, while avoiding, remedying and mitigating their adverse effects on the environment.
- 2.10.19** Recognise the locational, operational and technical constraints associated with developing, operating and maintaining large-scale renewable electricity generation activities and their requirements to connect to distribution networks and the National Grid.
- 2.10.20** Provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities where the effects of these works are avoided, remedied or mitigated.

Energy Efficiency in Transport and Development

- 2.10.21** Ensure that land use planning and infrastructure design is carried out in a manner that seeks to provide for optimum energy efficiency.
- 2.10.22** To assist in reducing energy consumption, ensure that transport networks are designed so that they are safe and that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced.
- 2.10.23** Encourage optimum energy efficient development, subdivision patterns, site orientation and building design.

Explanation of Policies

General

Energy developments offer significant benefits to communities by producing goods that are essential to our daily needs. Large-scale energy developments extract and on-sell large volumes of product to local and national markets via major national infrastructure such as electricity transmission lines and natural gas pipelines. Small and domestic-scale developments are increasingly popular for residential and commercial use – whether complementing a commercial supply, or exclusively supplying.

The challenge of managing energy development under the RMA is to have an appropriately balanced consideration of the potential benefits of these activities along with their potential adverse effects.

Policy Context

The objectives and associated policies of this chapter seek to balance the wider benefits of energy resource activities against potential adverse effects, which are felt at the local level. The term ‘energy resource activities’ is used in this policy context to describe all activities which use natural and physical (renewable and non-renewable) resources to produce or generate energy, including fuel and electricity. This descriptor includes oil and gas energy activities and renewable electricity generation activities.

In terms of the management of the use and development of oil and gas energy resources, the District Plan takes account of the RPS which acknowledges the importance of this sector at a regional and national level and promotes its use and development.

Specifically concerning renewable energy generation activities, the objectives and policies of the District Plan reflect the requirement to have regard to the benefits of renewable energy in Section 7 of the RMA



and give effect to the National Policy Statements on Electricity Transmission and Renewable Electricity Generation (NPSREG), as well as the Regional Policy Statement for Taranaki.

In particular, the NPSREG requires that the District Plan's objectives, policies and methods recognise the nature, extent and location of relevant developed and undeveloped renewable energy resources in a district. For existing renewable electricity generation activities this means providing for their maintenance and upgrade, and protecting facilities from reverse sensitivity effects that might result from new subdivision, land use, or development in their vicinity. Facilities of local, national and regional significance associated with oil and gas energy resources are also afforded similar provision in this section.

Practical Constraints

The District Plan acknowledges there may be practical constraints associated with the investigation or exploration of new energy resources. Such constraints include the confined location of the energy resource, and the associated, technical and operational practicalities of developing that resource, including the infrastructure required for its extraction or transmission. On-going development, operation, maintenance and upgrading of new and existing energy resource activities is also a practical requirement that needs to be provided for in the District Plan.

Accordingly the District Plan contains tailor-made provisions that recognise the importance of energy resource activities, make provision for maintenance, and seek to protect this sector from potential conflicts that may arise through reverse sensitivity effects.

Managing Adverse Effects

The potential impact of energy resource activities on the environment and surrounding land uses can vary in type and magnitude. Such adverse effects can include visual, amenity, noise and traffic effects, and effects on historic heritage, cultural and ecological values, and on the values of tāngata whenua including identified wāhi tapu. The coastal environment, outstanding natural features and landscapes, and urban areas, are particularly sensitive to the adverse effects from energy activities. The District Plan seeks to manage development of energy resource activities and associated infrastructure in these areas and seeks to ensure the special values and qualities associated with these environments are preserved and protected. Notwithstanding this, it is recognised that some energy resource activities or components of these activities have locational requirements, such as pipelines needing to cross the Coastal Protection Area from offshore facilities to onshore production stations, or wind generation activities locating where the wind resource is. Given these locational requirements, these activities and components may be appropriate in these environments subject to consideration of the effects on the special values and qualities of these environments in accordance with the objectives and policies of the district plan. In particular, underground pipelines have no surface appearance and may not need to disturb the ground surface, especially where installed using trenchless techniques. Care is required when locating energy resource activities near to sensitive activities which are susceptible to a wide range of adverse effects.

It is also important to consider the cumulative effects of activities. Oil and gas energy exploration and production, for example, can often involve numerous points of contact with the resource, as can large-scale renewable electricity generation activities such as wind farms. The adverse effects from a single activity may be acceptable. However, a concentration of a number of activities in a particular location may result in cumulative effects which may be unacceptable in some locations. For these reasons, the District Plan seeks to manage adverse effects and, depending on the nature and scale of potential effects, will require assessment through the resource consent process.



Offsets/Environmental Compensation and Adaptive Management – Renewable Energy Resources.

In some circumstances, it is recognised that it may not be practical to avoid adverse effects on the environment and surrounding land uses from the development, operation, maintenance and upgrading of energy generation activities. In such cases, the NPSREG directs Councils to have regard to off-setting measures and environmental compensation.

The NPSREG also directs Councils to consider adaptive management measures.

Energy Efficiency

The efficiency of energy use can be optimised and/or promoted in a number of ways. The design of buildings, subdivisions and transportation networks can have a significant bearing on the ability of those developments to facilitate energy efficiency. Passive solar heating, for example, where dwellings are constructed to maximise the harnessing of sunlight, will reduce the need for other forms of heating. The energy efficiency of transport and infrastructure networks is an important matter to consider when making decisions on zoning and/or subdividing new areas for residential or commercial development. Energy efficiency should also be considered when designing or redesigning transport and infrastructure networks, and should be encouraged in the design of new subdivisions and building developments.

Methods of Implementation

The methods of implementation include:

- District Plan rules and performance standards for new and existing energy activities, both small and large scale activities.
- Inclusion of assessment matters in the District Plan to guide evaluation of applications for resource consent for the exploration, development and production of energy resources.
- Conditions on resource consent for energy activities to avoid, remedy or mitigate adverse effects on the environment – for example a construction management plan to manage temporary works, restrictions on hours of operation and noise levels, screening/landscaping and site restoration.
- District Plan rules and performance standards to control proposed subdivision and land use activities that are incompatible with, or which have the potential to constrain the operation of, existing energy activities so as to avoid the creation of reverse sensitivity effects.
- The use of consent conditions to ensure that the adverse cumulative effects resulting from energy activities are effectively and sustainably addressed.
- Dissemination of relevant information regarding the development and operation of small and community-scale renewable electricity generation activities.
- Where appropriate, adoption of relevant standards and codes of practice that are applicable to energy activities in New Zealand, to address the actual and potential adverse effects of energy activities.
- Consideration of the use of energy efficient design for subdivision and transportation networks in determining a resource consent application and imposing any resource consent conditions.
- Advocate and encourage the use of energy efficient design for built development. This advocacy and encouragement may include supporting national or regional education programmes.
- Consideration of the use of joint processing where applications for resource consents are lodged concurrently with Regional Council and District Council.

Section 2.11 Network Utilities

Issue

2.11.1 Network utilities have important functions and enable people and communities to provide for their economic, social and cultural wellbeing, but can have adverse effects on the environment, often due to technical, operational and location specific requirements. In addition, new subdivision, land use and development may impact on the safe and efficient functioning of network utilities.

Network utilities are physical resources which provide water and electricity, telecommunications, radio communications, roads, railway lines, sewage reticulation, waste disposal, and other similar services. These utilities enable communities to undertake everyday activities and functions, and allow people to provide for their social, cultural and economic wellbeing, health and safety. They are critical to the efficient and ongoing functioning of the District and therefore have wide ranging benefits.

Network utilities are nationally, regionally and/or locally significant, as they provide an important everyday and emergency facility to the nation, region and/or local community. Network utilities by their nature are of varying scale and significance, and are dispersed throughout the District. There is a need to recognise the positive social, economic, and environmental benefits that accrue nationally and regionally from the establishment and continued operation of all network utilities.

Some of South Taranaki's network utilities are particularly important, due to the predominance of the local energy sector. These network utilities include, but are not limited to, the National Grid (electricity transmission), high pressure gas network and major land transport infrastructure (state highways and railway lines). The national importance of the National Grid is recognised in the National Policy Statement on Electricity Transmission (NPSET) 2008. The NPSET recognises the national significance of the National Grid electricity transmission network by facilitating the operation, maintenance and upgrade of the existing network and the establishment of new facilities to meet the needs of present and future generations, while managing the adverse effects of the network and managing the adverse effects of other activities on the network. Major land transport infrastructure including the railway line and state highway network are also nationally significant network utilities as they provide for the movement of goods and people throughout the nation and region, which is critical to growth and development (see Section 2.7 Transportation).

The nature and scale of different network utilities mean some have little environmental effects, such as the underground reticulated water supply network, while others have the potential to have significant adverse environmental effects. These effects may be associated with the development, operation and/or maintenance of the network utility. In addition, some environments may be more sensitive to the effects of network utilities (e.g. residential areas and outstanding natural features and landscapes). It is recognised that the locational, technical and operational requirements of some network utilities may influence the siting, design and appearance of the network utility. In some cases, as a result of these constraints, it will not be possible to avoid, remedy or mitigate all adverse effects associated with network utilities. In such circumstances, there is a need to carefully consider the benefits the utility will provide and the significance of the adverse effects on the surrounding environment.

Subdivision, land use and development in the vicinity of network utilities can lead to adverse effects, including reverse sensitivity effects that have the potential to affect the efficient and effective operation of the utilities. This issue particularly arises for larger-scale and nationally/regionally significant infrastructure, such as the National Grid and high pressure gas network. An example of reverse sensitivity could be where the continued use or expansion of a transmission line in the rural area is



threatened when rural residential development is allowed too close to the transmission lines. The presence of that rural residential development can constrain the continuation or upgrading of transmission lines or electricity substations to meet future demand, because of the actual or perceived health, safety and operation risks to the rural residential development.

Objectives

- 2.11.2** To provide for the safe, efficient and sustainable development, operation, maintenance and upgrading of network utilities, in a manner which avoids, remedies or mitigates adverse effects on the environment, while recognising their technical, locational and operational constraints.
- 2.11.3** Protection of network utilities from the actual or potential adverse effects of incompatible subdivision, land use or development.

Policies

- 2.11.4** Provide for the development, operation, maintenance and upgrading of network utilities in a manner which avoids, remedies, or mitigates adverse effects on the environment, while recognising their operational, technical and locational requirements.
- 2.11.5** Manage the location, scale and design of the development or upgrading of network utilities (including in relation to the National Grid), and consider the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection process.
- 2.11.6** Consider the locational, technical and operational requirements of network utilities and the contribution they make to the functioning and wellbeing of the community in assessing their location, design and appearance.
- 2.11.7** Require new utility networks to be sited underground (where practical in terms of cost and operation) in Residential, Commercial, and Industrial areas. Where not practical, the utility will need to be carefully sited and designed to avoid, remedy or mitigate the adverse effects.
- 2.11.8** Encourage, to the extent practicable, the more efficient use of existing network utilities, and co-siting and sharing of masts, facilities and utility corridors to reduce the need for new utilities elsewhere in the District.
- 2.11.9** Recognise the positive social, economic and environmental benefits that accrue nationally and regionally from the development, continued operation and upgrading of network utilities.
- 2.11.10** Ensure that the adverse effects, including reverse sensitivity effects of incompatible subdivision, land use or development on the safety, efficiency, operation, maintenance and upgrading of existing network utilities are avoided or mitigated.
- 2.11.11** Manage any adverse effects of subdivision, land use and development on the National Grid including substations by ensuring that:
 - (a) Areas are identified in the Plan to establish buffer distances for managing subdivision, development and land use near the National Grid;
 - (b) Sensitive activities and large-scale structures are restricted from establishing within the National Grid Yards and are appropriately managed around substations;

- (c) Subdivision is managed within the National Grid Subdivision Corridor to avoid subsequent land use activities from restricting the operation, maintenance, upgrading and development of the National Grid; and
 - (d) Changes to existing activities within a National Grid Yard and around National Grid substations do not further restrict the operation, maintenance, upgrading and development of the National Grid.
- 2.11.12** Promote the design of subdivisions and land use development or redevelopment in a manner that enables the efficient use of land within the identified National Grid Yard, National Grid Subdivision Corridor and around substations without introducing sensitive activities or structures that would inhibit the operation, access, maintenance or upgrade of the National Grid infrastructure.
- 2.11.13** Recognise existing network utilities within the coastal environment, Outstanding Natural Features / Landscapes, and Significant Natural Areas, and provide for their ongoing operation, maintenance and upgrading requirements.

Note: Reference should also be made to other policy sections of the District Plan which may be relevant to network utilities. These relevant sections could include tāngata whenua, historic heritage, coastal environment, natural features and landscapes, indigenous biodiversity and natural hazards.

Explanation of Policies

The District's network utilities include the urban water, wastewater, stormwater and sewerage systems, electricity lines (including the National Grid), telecommunication and radiocommunication facilities, the roading network, railways, navigational aids and meteorological operations and associated support structures. These utilities contribute to the overall social wellbeing and economic vitality of the South Taranaki District and beyond. It is therefore important that the safe and efficient development, operation, maintenance and upgrading of these services be effectively provided for, and that the local, regional and national benefits that derive from them are adequately recognised.

The development, operation, maintenance and upgrading of network utilities can adversely affect the environmental quality of the District, such as from noise and visual effects on amenity values. For example, some network utilities are relatively large, visually prominent and capable of generating significant adverse effects on the environment. They may also have potential impacts on public health and safety. Adverse effects may only occur at the time of construction, but in some cases may continue throughout its operation or during maintenance and upgrading works. In addition, some locations can be more sensitive to these effects, such as residential or open space areas, or sites or areas with heritage or cultural value.

In some cases, given the underlying locational, technical and operational constraints and requirements associated with some network utilities, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with the development, operation, maintenance or upgrading of infrastructure. For example, the location of the resource, network connectivity or proximity to support infrastructure may constrain the utility location. In these circumstances, it needs to be recognised that there may be some level of adverse effect on the surrounding environment in order to achieve the benefits that network utilities provide.

Given the above, the District Plan makes provision for network utilities while managing their potential adverse effects through performance standards recognising the local environmental characteristics in the District. Certain types of network utilities and larger-scale utilities can create a broad range of potential adverse effects, and thus it is more appropriate that these proposals are assessed through either the resource consent or designation processes.



Many network utilities are now able to be placed underground meaning any potential effects on the environment will typically be minimal. However, it is recognised historically some utilities (e.g. telecommunications and electricity) were provided by way of overhead servicing. Overhead lines and structures can detract from visual amenity. To maintain and enhance the amenity values in the District, the Council will require new reticulation (e.g. pipelines and cables) to be placed underground in residential and commercial areas (unless not practical to do so). Underground reticulation is not required in rural areas where environmental and economic considerations may be differently balanced. Some exceptions to undergrounding of services will exist, such as high voltage transmission lines, as it is not practical to underground these in terms of cost and operation.

The Council encourages the co-siting, or sharing facilities or sites, as this supports efficiencies and reduces the need for infrastructure to be located elsewhere in the District, in turn, mitigating or avoiding adverse effects. The District Plan encourages the co-location of equipment through the provision of more lenient standards where two or more utilities are installed together.

There is a need to recognise the positive social, economic and environmental benefits that accrue nationally and regionally from the establishment and continued operation of network utilities and other regionally significant infrastructure, including maintaining people's health, wellbeing and general safety.

In South Taranaki, the principal elements of various reticulation and distribution networks of most utilities are already in place, including an extensive network of oil and gas and associated product pipelines, and a network of electricity transmission lines forming part of the National Grid. Where significant new reticulation or distribution lines are required by network utility operators, they should be located as far as is possible within existing corridors, while also considering locational, technical and operational constraints.

Where incompatible activities have been allowed to establish too close to certain nationally or regionally significant network utilities (e.g. a dwelling allowed close to high voltage electricity transmission lines or an electricity substation), there is increased exposure to adverse effects such as the accumulation of dust on conductors, risk to structural integrity of pylons, restricted access for maintenance, and reduction in safety distances or public safety generally. Another example is locating a dwelling close to a wastewater treatment pond, which increases the potential for objectionable odour effects on the dwelling. To protect the adjoining activities and the ongoing operation of the utilities, various degrees of control will be implemented in the District Plan to avoid or mitigate this incompatibility.

Methods of Implementation

The methods of implementation include:

- District Plan rules and performance standards to meet minimum/maximum standards.
- Assessment of environmental effects through the resource consent or designation processes for proposals involving larger-scale utilities or those not meeting the performance standards.
- Application of the rules and standards (including cross-referencing within the District Plan itself) of the National Environmental Standards which relate to network utilities (e.g. electricity transmission activities and telecommunication facilities).
- Promotion of the use of relevant Codes of Practice and industry guidelines.
- Designated network utilities and sites, and the National Grid (Transmission lines) and high pressure gas network will be identified on the Planning Maps.
- District Plan rules and performance standards for new buildings, development and subdivision within the National Grid Yard, National Grid Subdivision Corridor, or in close proximity to National Grid substations, land transport networks and wastewater treatment facilities.

- Consultation and negotiation with organisations responsible for the provision of utilities and services.
- Application of the National Code of Practice for Utility Operators' Access to Transport Corridors for working in the road and the Corridor Access Request (CAR) processes.

Section 2.12 Historic Heritage

Issue

2.12.1 Damage, modification or destruction of historic heritage in the District resulting from inappropriate use, development or subdivision, such as earthworks, demolition and unsympathetic works.

Historic heritage is a finite resource that provides recognition of the history of the area and contributes to a sense of place for the South Taranaki community. South Taranaki has a rich and diverse legacy of widely appreciated heritage elements. Key elements of this historic heritage include buildings and structures (e.g. Waverley Railway Station, St George's Church in Pātea and Memorial Obelisk in Manaia), wāhi tapu and sites of significance to Tāngata whenua (e.g. Turuturu Mokai Pa), archaeological sites (e.g. moa-hunter camps around Hāwera and Manaia) and sites of historic significance (e.g. battlefields during the Taranaki Wars). The inappropriate subdivision, use, or development of important buildings, items and sites can directly result in loss or degradation of historic heritage. Examples include full or partial demolition, decay, infill development or subdivision, redevelopment, and unsympathetic and/or inappropriate alterations to buildings or site surrounds. Archaeological sites, which are predominantly in rural areas are also susceptible to damage from earthworks, clearance, subdivision and intensive farming activities.

As the founding Maori and European families of the South Taranaki District dissipate, so too does much of the acquired knowledge relating to places associated with its history of occupation and settlement. Effective historic heritage protection and management relies on understanding the historic heritage values that apply to remaining buildings and sites, and identifying those places of significance to the community. Some aspects of South Taranaki historic heritage are identified, well-recognised and protected, (particularly commercial areas), yet there is comparatively limited knowledge or information on historic heritage related to the history of rural areas and Maori heritage. It is recognised that many wāhi tapu and sites of cultural or spiritual significance to Tāngata whenua are not identified in the District Plan, however this does not reduce their importance and/or the need for protection from inappropriate subdivision, use or development. In addition, Maori face challenges with respect to the identification, protection and care of sites of significance, as discussed in Section 2.13.

Historic heritage in South Taranaki provides important connections to the past, conveying themes of Maori settlement, European settlement, New Zealand Wars, dairy and agriculture, industry, transport and infrastructure (e.g. railways), commercial development (town centres), war memorials and related sites (e.g. soldier's settlements). Historic heritage, and the sense of identity and connections to the past it provides to communities, cannot be replaced once lost. It is important that the historic heritage identified is appropriately representative of the District's occupation and settlement. The Council has a particular responsibility to preserve the intrinsic values and finite characteristics of important historic heritage, and to secure the protection and maintenance of these resources for the enjoyment and experience of present and future generations. The retention of historic heritage adds to community identity as it provides connections to past and future generations. Historic heritage also enhances the amenity of the District for residents and visitors, and can promote economic revitalisation, for example, through the protection, maintenance and enhancement of traditional town centres.

Integral to the issue of the protection of the District's heritage resources is the recognition of the rights of the private owners of the heritage resources. When a resource is identified as being of historic heritage value to the community is in private ownership, current owners are responsible for the cost associated with the management and protection of the heritage resource. The high cost of repair and maintenance, and the difficulty in finding economic uses for buildings can also lead to neglect of heritage buildings. Poor maintenance and deteriorating condition can reduce the viability of adaptive re-use of heritage buildings, and result in the loss or diminishing of heritage value through demolition or deferred maintenance and repair. There is a need to balance individual rights against the Council's responsibilities and community aspirations to protect the tangible elements of the District's history for present and future generations.

Objectives

- 2.12.2** To protect significant historic heritage that reflects the culture and history of the South Taranaki District from inappropriate subdivision, use and development.
- 2.12.3** To protect known archaeological sites identified on the Planning maps, and their historic values, from being destroyed or modified due to inappropriate subdivision, use and development.
- 2.12.4** To promote and enhance greater public awareness of, and support for, historic heritage within the South Taranaki District.

Policies

- 2.12.5** Identify historic heritage that contributes to an understanding and appreciation of the culture and history of the District, the region and/or New Zealand that is of significance or value for one or more of the following matters; aesthetic, archaeological, architectural, cultural, historic, social, spiritual, scientific, technological, industrial or traditional significance or value.
- 2.12.6** Record significant historic heritage buildings and sites identified in accordance with Policy 2.12.5, and group these buildings and sites according to their relative significance into one of the following categories:
 - (a) Historic Heritage Category 1 Buildings and Structures: Buildings that have outstanding national and/or regional significance due to their "rarity" and/or level of "integrity".
 - (b) Historic Heritage Category 2 Buildings and Structures: Buildings that have regional and/or local significance.
 - (c) Historic Heritage Sites and Sites of Significance to Tāngata Whenua: Places and areas that are of national, regional and/or local significance.
- 2.12.7** Avoid or appropriately mitigate any adverse effects of activities that could destroy, compromise or detract from the heritage values associated with items listed in the Historic Heritage Schedule.
- 2.12.8** Provide opportunities for greater development flexibility, where development facilitates the retention, conservation and/or protection of buildings and sites identified in the Historic Heritage Schedule.
- 2.12.9** Encourage compatible and/or adaptive re-use of buildings and sites included in the Historic Heritage Schedule.



- 2.12.10** Enable the maintenance, redecoration, repair and adaptive re-use of buildings and sites included in the Historic Heritage Schedule.
- 2.12.11** Encourage and facilitate the strengthening of buildings included in the Historic Heritage Schedule to increase their ability to withstand future earthquakes or other safety risks, while ensuring that their values and features are not impaired or destroyed.
- 2.12.12** Avoid the demolition or destruction of Category 1 buildings, objects or sites included in the Historic Heritage Schedule.
- 2.12.13** Restrict the full or partial demolition of Category 2 buildings, objects or sites included in the Historic Heritage Schedule, having regard to the following matters:
- (d) Effects on historic heritage values.
 - (e) The importance attributed to the heritage item by the wider community.
 - (f) Consideration of reasonable alternatives.
 - (g) Feasibility of adaptive re-use.
 - (h) Building safety.
 - (i) Economic implications and/or limitations.
 - (j) Appropriateness, compatibility and appearance of any replacement building in relation to streetscape character and heritage values.
- 2.12.14** Discourage subdivision that could destroy or diminish the heritage values associated with buildings, objects and sites identified in the Historic Heritage Schedule.
- 2.12.15** Consider the value of the heritage setting in circumstances where it contributes to and complements the heritage value of an item, and ensure that its values are not unduly compromised by inappropriate on-site development, earthworks, or incompatible subdivision.
- 2.12.16** Identify and list known archaeological sites of significance in the Historic Heritage Schedule 1B to ensure that the value of these sites continues to be retained.
- 2.12.17** Manage the effects of new buildings, or extensions to existing buildings, earthworks and forestry activities on known archaeological sites of significance listed in the Historic Heritage Schedule 1B.
- 2.12.18** Identify the location of known archaeological sites on the Planning Maps to raise awareness of these sites and assist in their protection.
- 2.12.19** Manage the design and layout of subdivisions where a property includes known archaeological site(s) and the use of legal instruments to protect the values of the archaeological site shall be considered.
- 2.12.20** Consider adverse effects on historic heritage values through the consent process for larger scale land use activities, where located in close proximity to known archaeological sites. Determine the significance of the heritage values of the sites and demonstrate how potential and actual adverse effects will be avoided, remedied or mitigated.
- 2.12.21** Increase public recognition and understanding of the District's historic heritage and associated values, and the respective responsibility that the public and private landowners adopt in the ongoing management and protection of historic heritage.

- 2.12.22** Encourage the use of non-regulatory incentives and assistance to facilitate the restoration and conservation of recognised heritage items.

Explanation of Policies

For protection to occur, historic heritage in the District needs to be identified and accurately researched, documented and mapped. The objective and associated policies seek to ensure that the important buildings and sites that represent the culture and history of the District, the Region and the nation, are identified for inclusion in the District Plan. To achieve this, the range of values that the Council will use to assess places for inclusion in the Historic Heritage Schedule are set out in the District Plan.

Historic heritage buildings and sites have also been differentiated, recorded and presented in the District Plan on the basis of their relative significance. Some historic buildings in the District have 'outstanding' national or regional significance due to their rarity and/or integrity, while others have been assessed as significant at a regional or local level. Historic heritage sites are identified separately from buildings due to their differing management needs and requirements. The objectives and policies seek to prevent the loss of heritage value associated with buildings and sites included in the historic heritage schedule due to neglect or under-use, or from changes arising from such activities as alterations, additions and subdivision.

Historic heritage buildings and sites need to remain functional to be successfully and sustainably managed. In response, the District Plan encourages their continued compatible use and enables regular maintenance, repair and building safety alterations, which are sympathetic to the heritage value of the item, to occur without the need for a resource consent. The Zone provisions provide for a range of activities in each Zone, enabling a number of opportunities for the adaptive re-use of heritage buildings. The District Plan also recognises that it is necessary for heritage buildings to be upgraded to meet relevant code standards (including earthquake strengthening) in order to provide for their continued, functional, safe and economic use.

Historic heritage buildings and sites are also subject to activities which can lead to their associated heritage values being destroyed or severely diminished. For example, insensitive alterations and additions, can detract from the architectural qualities of a scheduled building, while demolition in response to development pressure or neglect results in permanent loss.

To address this situation the District Plan seeks to ensure that such effects are avoided or appropriately mitigated by requiring resource consent to be sought. In the case of demolition of Category 1 buildings or the destruction of sites, the intent is that these activities are avoided altogether. Category 2 buildings can only be demolished if the demolition is considered appropriate having regard to the matters set out in Policy 2.12.13. An applicant would need to have a strong case demonstrating an assessment of feasible alternatives and the reasons that demolition is the only feasible option for the heritage building or object. In other cases, it might be acceptable to demolish a building in exceptional circumstances, for example if it is considered necessary due to significant and irreversible damage from fire or natural hazard events.

The context or setting associated with historic heritage buildings and sites can also make an important contribution to its heritage value. For example, the curtilage of a heritage item may be a part of the original design which has developed in a manner that complements the place, the removal of which would detract from the inherent significance and value of the item. The relationship between a building and its site can be lost or eroded through the reduction of its original surrounds. In response, the District Plan seeks to ensure that the setting of a historic building or site is not unduly compromised or its value diminished by inappropriate on-site development or incompatible subdivision activity and associated development, in circumstances where the site surrounds complement the heritage item.



Known archaeological sites have been identified on the Planning Maps to raise awareness and act as an alert for proposals in these locations. Activities and subdivision which trigger resource consent would be assessed in terms of their effects on the archaeological sites. The archaeological authority process applies to any destruction or modification of archaeological sites.

It is recognised that the protection of sites and areas of cultural and spiritual significance to Tāngata whenua requires the identification and understanding of sites and areas. As discussed in Section 2.13, many of these sites are not yet identified in the District Plan, and are now in private ownership, so there is a need to recognise and protect these sites from irreversible damage through effective engagement with Tāngata Whenua and other interested parties.

These provisions also recognise that effective protection of the District's historic heritage cannot be achieved through sole reliance on regulations; community and private landowners jointly have the responsibility to ensure that historic heritage is appropriately managed and protected. In some cases, it may be unreasonable for private landowners to bear all of the costs for ongoing maintenance of heritage, when the public also benefits from its retention and careful stewardship. In response, the Council seeks to increase public awareness through non-regulatory methods such as education, preparation of promotional material and guidance, and availability of heritage inventories so that members of the public can understand the history of scheduled heritage items, as well as offer support to private landowners, as far as the Council's resources and funding allows. It is recognised some towns in South Taranaki (e.g. Eltham) are recognised and promoted for their heritage values, therefore, the Plan provisions seek to maintain the viability and enhance the vibrancy of these towns. Ongoing liaison and collaboration with landowners, iwi and other groups and agencies with interests in the management and protection of historic heritage, including listed and non-listed heritage items, is very important.

Methods of Implementation

The methods of implementation include:

- Schedule and categorise recognised historic heritage buildings, objects and sites (including archaeological sites and sites of cultural or spiritual significance to Tāngata Whenua) according to the relative significance of their associated values in the District Plan, and identify these on relevant Planning Maps. Incorporate future changes to the Historic Heritage Schedules by way of a plan change or plan variation.
- Identify known archaeological sites on the Planning Maps, in addition to those recognised in the Historic Heritage Schedule 1B.
- Adopt targeted rules relating to the management and protection of scheduled historic heritage buildings and sites, and align levels of protection with levels of classification so that important items are preserved.
- Include rules in Section 9 of the Proposed Plan to provide a restricted discretionary activity status for subdivision of land for sites which includes a known archaeological site as shown on the Planning Maps.
- Rely on the archaeological authority process administered by Heritage New Zealand to assess whether the destruction and modification of known archaeological sites is appropriate or not, and to not duplicate this process in the rules of the district plan.
- Use the known archaeological sites as shown on the planning maps as an information layer, to assist resource consents applicants and decision makers determine whether the effects on historic heritage are to be reflected in a supporting Assessment of Environmental Effects.
- Conditions on resource consents to ensure the adverse effects of subdivision, use or development are avoided, mitigated or remedied.

- Inform prospective purchasers of scheduled historic heritage through Land Information Memoranda (LIM) and landowners undertaking building work through Project Information Memoranda (PIM) and Planning checks.
- Advice Notes in the District Plan and resource consents relating to consultation with Heritage New Zealand and/or the archaeological authority process under the Heritage New Zealand – Pouhere Taonga Act 2014.
- An Accidental Discovery Protocol Process to be developed between Council, Heritage New Zealand, mandated Iwi organisations, Federated Farmers, Network Utility Providers, and other interested stakeholders regarding the procedure to be undertaken in the event of a potential discovery under the Heritage New Zealand Pouhere Taonga Act 2014.
- Through the Long Term Plan and Annual Plan processes, the Council may commit resources such as rates relief, grants, or waiving of consent fees, or offer access to professional technical advice to encourage the management and protection of scheduled historic heritage buildings, sites and areas of significance.
- Provide guidance and advice to assist landowners to sensitively manage schedule historic heritage buildings, sites and areas of interrelated significance.
- Develop information and promotional material relating to scheduled historic heritage buildings and sites, including their associated value and the community benefit that is derived from their ongoing protection.
- Liaise and collaborate with landowners, Iwi and other groups and agencies with interests in the management and protection of scheduled historic heritage buildings, sites and areas of interrelated significance.

Section 2.13 Notable Trees

Issue

2.13.1 The natural, amenity, heritage and cultural values of an area can be adversely affected by the loss or damage of Notable Trees from inappropriate subdivision, use and development.

Notable trees have aesthetic, botanical, heritage, cultural, and ecological values that form an important part of the community. Other notable trees are rare species or spectacular specimens or are associated with special sites or events. They are prominent natural features and landmarks which make a valuable contribution to local amenity and add a sense of character and identity to places and areas of the District. The continued existence of notable trees represents continuity between generations, and is important to the legacy that is left for future generations. Significant trees of the District are to be evaluated and identified as Notable Trees for protection, to ensure that they are not damaged or lost (e.g. through improper maintenance or root disturbance), and to improve people's awareness of their value to the community.

Objective

2.13.2 Notable Trees which are of aesthetic, botanical, heritage, cultural or ecological significance within the District are recognised and protected from inappropriate subdivision, use and development.



Policies

- 2.13.3** Identify and protect Notable Trees that contribute to amenity, quality of the environment and community identity that are of significance or value for one or more of the following reasons: aesthetic, botanical, heritage, cultural or ecological significance or value.
- 2.13.4** Avoid or appropriately mitigate any adverse effects of activities on Notable Trees that would detract from or compromise their contribution to the natural, amenity, heritage and cultural values of an area.
- 2.13.5** Discourage activities which could result in damage or loss of Notable Trees, such as:
- (a) Detrimental trimming of the trees;
 - (b) Removal of trees;
 - (c) Location of buildings and works in close proximity to the trees; and
 - (d) Root disturbance due to earthworks within the dripline of trees.
- 2.13.6** Encourage arboricultural best practice for works on Notable Trees in accordance with appropriate specific tree management plans to conserve tree health and safeguard its long-term wellbeing as much as practicable.
- 2.13.7** Support the trimming, maintenance and enhancement of Notable Trees for their ongoing viability and contribution to amenity and the quality of the environment.
- 2.13.8** Recognise that in exceptional circumstances the full or partial removal of Notable Trees may be necessary and considered to be the only practicable option, if the Notable Tree/s:
- (a) Has considerably reduced in value/significance due to irreversible damage (e.g. storm) or deteriorating condition (dead wood or diseased vegetation); or
 - (b) Causes unreasonable hazard to life, habitable buildings or network utilities.
 - (c) Interferes with existing buildings, structures, aboveground lines or other network utilities.
- 2.13.9** Support community initiatives for the protection and conservation of Notable Trees.
- 2.13.10** Encourage the use of non-regulatory incentives and assistance to support the protection and appropriate maintenance of Notable Trees.

Explanation of Policies

Notable Trees within the District are significant for aesthetic, botanical, heritage, cultural and ecological reasons. The Standard Tree Evaluation Method (STEM) criteria is used to assess and determine the Notable Trees contained in Schedule 4 – Notable Trees. The STEM criteria is widely accepted as the preferred tree assessment method, and has been adopted by the New Zealand Arboricultural Association.

The inclusion of a Schedule of Notable Trees results in greater public awareness and increased opportunities for the protection of such trees. The schedule includes trees on both public and private land. Before trees on private land are added to the Schedule of Notable Trees, the property owners consent will be required. By providing the criteria used for the assessment of Notable Trees, the community is better informed about which trees require protection and are valued by the wider community.

It is important to retain and protect those trees of importance in the District through identifying and scheduling Notable Trees. The District Plan encourages the maintenance and trimming of Notable Trees to support their ongoing viability. It is important that subdivision, use and development do not adversely affect Notable Trees. The removal of Notable Trees is not considered to be desirable for the amenity and quality of the environment. However, in exceptional circumstances, it is practicable to allow emergency work, or removal of dead wood or diseased vegetation, or partial removal that is necessary to avoid interference with existing buildings, structures or network utilities. In these circumstances, arboricultural advice will need to be sought and the Council advised of the proposed works.

The maintenance and protection of Notable Trees has associated costs (e.g. arboricultural advice, or potentially unreasonable restrictions on landowners to develop land). Support for landowners of Notable Trees in the form of arboricultural advice and financial assistance (where practicable) is anticipated to encourage landowners to maintain the health of the trees and provide support for their long term protection and survival.

Methods of Implementation

The principal methods of implementation are:

- Schedule of Notable Trees according to their relative significance in terms of aesthetic, botanical, and heritage, cultural and ecological values (based on STEM criteria) in the District Plan, and identification of these on relevant Planning Maps.
- Rules relating to the management and protection of scheduled Notable Trees.
- Use of conditions on resource consents to ensure that the adverse effects of subdivision, use and development on Notable Trees are avoided, mitigated or remedied.
- Through the Long Term Plan and Annual Plan processes, the Council may commit resources such as rates relief, grants, waiving of consent fees, or access to professional arboricultural advice to encourage the maintenance and protection of scheduled Notable Trees.
- Provide guidance and advice to assist landowners to sensitively maintain Notable Trees.
- Develop information and promotional material relating to scheduled Notable Trees, including their associated value and the community benefit that is derived from their ongoing protection.
- Liaise and collaborate with landowners and other groups and agencies with interests in the management and protection of scheduled Notable Trees.

Section 2.14 Integrated Land Use and Infrastructure Planning, Urban Growth and Financial Contributions

Issues

- 2.14.1** Subdivision and development creates the need for the provision of new, extended or upgraded infrastructure, which can be particularly significant when cumulative adverse effects are created over time.
- 2.14.2** The potential exists for the costs of providing new, extended or upgraded infrastructure to be allocated in a manner disproportionate to the benefits received by the existing community and new end users. In addition, the full cost recovery of

this infrastructure may act as a disincentive to subdivision and development, or be unduly borne by existing communities.

- 2.14.3** There may be pressure for subdivision and development to occur ahead of the Council's ability to provide infrastructure, which can result in the inefficient and ineffective operation and development of infrastructure.
- 2.14.4** Insufficient supply of land can constrain subdivision and development which could result in development occurring in locations and forms which adversely affect the environment and efficient use and development of infrastructure.

In the past, development, subdivision and land use change have tended to occur in an ad hoc manner without any real consideration being given to the effective and efficient integration of new developments into existing infrastructure. This issue is especially the case in areas on the periphery of the Hāwera urban area where new development often requires the extension of existing infrastructure. Fragmented development can affect or pre-empt the effective and efficient location and design of infrastructure. Furthermore, the infrastructure is generally provided to meet the immediate needs of the development or subdivision without any meaningful planning for the integration of future development in surrounding areas. Integrated land use and infrastructure planning is vital in ensuring that land uses are connected to an effective and efficient network of infrastructure and the needs of both new development and existing communities are provided for.

In addition, when new activities, subdivision and development connect to existing infrastructure, demand increases, gradually reducing the infrastructures' surplus capacity, until the maximum capacity is reached, at which time upgrades or extension of infrastructure is needed. While this process generally applies in urban areas, particularly for reticulated services, it also occurs in rural areas, such as the demand on roads that may not have the capacity to accommodate increased traffic.

Furthermore, a constraint on subdivision and development occurring is the availability (the lack) of infrastructure, or the ability to provide new infrastructure due to excessive costs. The Council recognises that while subdivision and development in the District has positive effects, it also has the potential to adversely affect the environment (including people and communities) in a number of ways. Some of these effects cannot be adequately avoided or mitigated on a site by site basis. Rather, they need to be addressed through the provision of new or improved infrastructure on an overall and integrated basis.

The 2009 Urban Growth Strategy for Hāwera and Normanby has provided the overall strategic framework for addressing these issues by identifying the location and extent of new urban areas, as well as the need to ensure new development occurs in a way where it integrates with existing infrastructure. In addition, the subdivision and development process needs to ensure that the effects on infrastructure are addressed through contributions towards the costs of upgrading, connecting and providing new infrastructure.

Objectives

- 2.14.5** To provide for urban growth that adjoins existing urban areas and manage that growth to avoid, remedy or mitigate adverse effects through the design of safe, integrated infrastructure networks and the efficient use and development of land.
- 2.14.6** To ensure that subdivision and development is appropriately serviced by infrastructure to provide for the likely or anticipated use of the land and that the costs of this infrastructure is fairly and equitably funded.



Policies

- 2.14.7** Identify land suitable for new urban development to ensure that there is sufficient serviceable land available to meet anticipated future urban growth demands.
- 2.14.8** Apply the appropriate land zoning to urban growth areas, and where existing infrastructure requires upgrading to provide for new urban development, defer and stage this development until the required upgrading of infrastructure has occurred.
- 2.14.9** Manage subdivision and development in the urban growth areas through the use of Structure Plans where they:
- (a) Ensure development is integrated and coordinated;
 - (b) Recognise and respond to the topographical and physical features of the land;
 - (c) Meet short and anticipated long term growth demands;
 - (d) Connect with existing infrastructure and transportation networks, taking account of the capacity limitations of those networks and any potential requirements for upgrading capacity to meet future demands; and
 - (e) Provide certainty on the location and pattern of development, including key roading linkages and infrastructure to meet future requirements.
- 2.14.10** Avoid the cumulative effects on infrastructure from development and subdivision in the rural environment outside of the identified urban growth areas.
- 2.14.11** Ensure new activities and development provide adequate infrastructure to meet the needs of future occupants.
- 2.14.12** Ensure new activities and development adequately compensate for their impact on existing infrastructure (water, wastewater, stormwater, roading, reserves) through a contribution to ensure the level of service meets the needs of future occupants and does not adversely affect the level of service for existing users.

Explanation of Policies

The extent of urban zoning reflects the current size of the settlements in the District. As the rate and nature of development and subdivision in the District is not large, there is capacity within most settlements to meet the demand for new residential, commercial and industrial development. However, for Hāwera and Normanby, where the majority of new residential, commercial and industrial development is anticipated to occur, urban growth areas have been identified to provide for this development.

Development within the identified urban growth areas should occur in a planned and structured manner to ensure efficient and integrated connections with the existing urban areas. This approach requires a Structure Plan to be prepared for each urban growth area setting out the overall framework and pattern of development in the identified growth area. Subdivision and development are then required to be undertaken in accordance with the Structure Plan to ensure efficient use of land and physical resources. Subdivision and development that is inconsistent with the Structure Plan or outside of the identified growth areas should be prevented to avoid the long term future of the growth areas being compromised.

New activities and development, whether or not as a consequence of subdivision, intensify demand on existing public infrastructure, including water, wastewater, stormwater, roads and reserves. Existing

infrastructure, particularly the reticulated water and wastewater systems are designed for a maximum (optimal) capacity. As new development connects into the existing infrastructure, the extra demand cumulatively reduces any surplus capacity. Where a system has reached its capacity, or where new infrastructure is required to service the growth areas, it is reasonable for developers to contribute towards the costs of this infrastructure, either directly or indirectly through contributions. This approach means that those benefitting from the development equitably pay the costs of the new infrastructure, rather than the general community paying. When the developer directly funds new or upgraded infrastructure, it is also reasonable that such costs are taken into account when assessing the overall financial contribution.

In some instances, where significant upgrading or extension of infrastructure is required to facilitate development, development will be deferred (through applying a deferred zoning) to ensure development only occurs when the necessary infrastructure is available.

Methods of Implementation

The methods of implementation include:

- District Plan Zoning of land residential, commercial and industrial to provide for future land requirements
- In the District Plan, identify future growth areas and use Structure Plans for these growth areas to provide a framework for managing subdivision and development.
- District Plan rules and performance standards requiring new subdivision and development to provide new, upgraded or extended infrastructure.
- Assessment of environmental effects through the resource consent process within the urban growth areas to ensure an integrated and efficient development and use of land and physical resources.
- Compliance with codes of practice and engineering standards.
- Financial contributions to ensure land use activities, development and subdivision meet a reasonable proportion of the costs for the provision of infrastructure.
- Assessment and identification of long-term servicing and funding requirements through Asset Management Plans.

Section 2.15 Coastal Environment

Issues

2.15.1 Inappropriate subdivision, use and development can adversely affect the natural character and landscapes, open space, public access, and historical or cultural values of the coastal environment, particularly the areas of outstanding natural character.

2.15.2 Demand for public access to and along the coast has the potential to adversely impact on natural character and landscape, open space, recreation, heritage, and cultural and Tāngata whenua values associated with the coastal environment.

The South Taranaki Coastline extends for approximately 145 kilometres between the mouth of Hangatahua (Stony) River to the north and Waiinu to the south. While most of the South Taranaki coastal edge comprises coastal cliffs, there are a number of notable geomorphological landforms and

features that make this coast special. To the north, protective laharic platforms and reefs form the edge of the volcanic ring plain and have subsequently become strewn with volcanic boulders of lahar origin. To the south, the coastal margin follows the edge of an eroding uplifted marine terrace with coastal dunes becoming increasingly prevalent near the mouths of major rivers which have cut through the marine terrace plains. Areas of cliff top dunes occur along several parts of the coastal edge, a landform unique to South Taranaki. Recreationally, the coast is highly valued and is home to a number of recognised surf breaks (e.g. Stent Road Beach), as well as opportunities for fishing, walking and beach combing.

Preserving the natural character of the coastal environment and its protection from inappropriate subdivision, use and development is recognised as a matter of national importance in section 6(a) of the RMA. The South Taranaki District has a high level of natural character within its coastal environment. Whilst almost the entirety of the land inland from the coastal edge has been modified for agricultural or urban development, typically limited development extends along the coastal edge. In some areas, strong natural elements, patterns and processes occur along the coastal edge creating steep exposed and eroding coastal cliffs, active sand dunes, dynamic river mouths and related biotic and experiential associations. The coastal environment also contains a significant number of archaeological sites and sites of particular cultural value to iwi, resulting from the historical pattern of settlement in South Taranaki. Sand dunes and river mouths contain many pa sites, middens and urupa (burial grounds), which are of spiritual significance to Tāngata whenua.

Inappropriate subdivision, use and development within the coastal environment has the potential to adversely affect the natural character of the coastal environment. For example, subdivision or development near the coastal edge, indigenous vegetation removal, excessive grazing of stock, or earthworks or mineral extraction, can modify coastal landforms, impact on wild and scenic coastal associations, and adversely affect natural coastal processes, indigenous habitats and plant communities.

There are a few established settlements in or adjacent to the coastal environment. These settlements are of varying scale and include Waverley Beach, Pātea, Ohawe, Ōpunakē, Waipipi Beach and Waiinu Beach. Ad hoc subdivision and development in areas outside these existing coastal settlements can lead to the loss of the natural character and other valued qualities of the coastal environment. In particular, the cumulative effects of subdivision and development can diminish the natural character over time through a gradual process of change.

The maintenance and enhancement of public access to and along the coastal marine area is also a matter of national importance in the RMA. The recreational values of the coastal environment are constrained by limited access (often because the land is in private ownership), therefore it is important to provide public access. However, in providing public access it is important it does not adversely affect other values associated with the coastal environment such as natural character and landscape, open space, recreation, heritage and cultural values, or increase the risk to natural hazards.

Objectives

- 2.15.3 To preserve the characteristics and qualities that contribute to natural character, and protect natural features and landscapes and historic heritage, in the coastal environment from inappropriate subdivision, use and development.**
- 2.15.4 To protect cultural and spiritual values to Tāngata whenua in the coastal environment.**



- 2.15.5** To avoid adverse effects on the characteristics and qualities of areas within the coastal environment recognised as having outstanding natural character from inappropriate subdivision, use and development.
- 2.15.6** To maintain and, and where appropriate, enhance public open space, landscape and amenity values, and recreation opportunities of the coastal environment.
- 2.15.7** To maintain and enhance public access to and along the coast with a focus on providing a continuous coastal walkway/cycleway.

Policies

- 2.15.8** Identify a Coastal Protection Area to recognise the extent and characteristics of the coastal environment, including:
 - (a) Areas where coastal processes, influences or qualities are significant.
 - (b) Areas at risk from coastal hazards.
 - (c) Coastal vegetation and the habitat of indigenous coastal species.
 - (d) Elements and features that contribute to the natural character, landscape, visual qualities or amenity values.
 - (e) Items of cultural and historic heritage; and
 - (f) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.
- 2.15.9** Preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development by:
 - (a) Avoiding adverse effects of activities on the characteristics and qualities that contribute to natural character in areas of the coastal environment identified as having outstanding natural character; and
 - (b) Avoiding significant adverse effects and avoiding, remedying or mitigating adverse effects of activities on the characteristics and qualities that contribute to natural character in all other areas of the coastal environment.
- 2.15.10** Manage the scale, location and design of subdivision, use and development in the coastal environment and determine its appropriateness based on:
 - (a) Recognising the characteristics and qualities that contribute to natural character, natural features and landscape values of the coastal environment, and their location and distribution.
 - (b) Recognising the extent of existing modification of natural character and likely potential modification of natural character as a result of the proposed activity.
 - (c) Whether or not the activity protects areas of significant indigenous vegetation or significant habitats of indigenous fauna.
 - (d) Whether or not the activity avoids adverse effects on the characteristics and qualities of identified areas of outstanding natural character or outstanding natural landscapes/features.



- (e) Whether or not the activity protects of historic heritage or cultural values including those of significance to Tāngata whenua.
 - (f) Whether or not the activity maintains or enhances public access and recreational opportunities.
 - (g) Whether or not the activity has a functional need to be located in the coastal environment.
 - (h) Whether or not the activity avoids, remedies or mitigates the actual or potential adverse effects on open space, visual amenity and landscape values, recreation opportunities, or other qualities and values of the coastal environment.
 - (i) Whether or not guidance is provided about the management of adverse effects for the activity in a National Policy Statement or Regional Policy Statement.
- 2.15.11** Encourage the consolidation of existing coastal settlements and urban areas (Waverley Beach, Pātea, Ohawe, Ōpunakē, Waipipi Beach and Waiinu Beach) and restrict sprawling or sporadic patterns of settlement and urban growth to avoid further urban modification of natural character, open space and other values of the coastal environment.
- 2.15.12** Encourage the restoration and rehabilitation of the natural character of the coastal environment where this is appropriate.
- 2.15.13** Protect the Stent Road surf breaks of National Significance from adverse effects of other activities on access to, and use and enjoyment of the surfbreaks.
- 2.15.14** Enhance and provide opportunities for public access to the coastal marine area, while considering potential natural hazards and sea level rise matters.
- 2.15.15** Provide for vehicular access to beaches or adjacent public land where it is required for boat launching, or where it is the only practicable means of access to public facilities, or for the operation of existing commercial activities.
- 2.15.16** Control the use of vehicles, apart from emergency vehicles on beaches, foreshore and adjacent public land where the following might result:
- (a) Damage to dunes or other geological systems and processes; or
 - (b) Harm to ecological systems or indigenous flora and fauna; or
 - (c) Disturbance to the peaceful enjoyment of the beach environment; or
 - (d) Damage to historic heritage or sites of significant to Tāngata whenua.
- 2.15.17** Provide for esplanade reserves or strips at the time of subdivision or development adjacent to the coastal marine area except where the restriction of public access is necessary to:
- (a) Preserve natural character of the coastal environment and ecological values.
 - (b) Protect private property rights
 - (c) Avoid conflict between competing land uses.
 - (d) Protect cultural and spiritual values of Tāngata whenua.
 - (e) Protect archaeological and historic heritage values.
 - (f) Protect the health and safety of the public.

- (g) Provide for other circumstances that are sufficient to justify the restriction of public access, notwithstanding the national importance of maintaining access.
- 2.15.18** Promote the development of a continuous coastal walkway/cycleway that provides ongoing public access to the South Taranaki coast and protects the natural character, landscape, historical and Tāngata whenua values of the coastal environment.
- 2.15.19** Provide for the establishment and maintenance of pipelines and pipeline marker beacons installed in the coastal environment, where:
- (a) There is no practicable alternative location for that infrastructure; and
 - (b) Pipelines are located underground and installed by directional drilling or where affected areas are reinstated and landscaped in a manner comparable with the landform and vegetative cover present prior to the construction works occurring.
- 2.15.20** Manage the disposal of waste in the coastal environment to avoid, remedy or mitigate adverse effects on the historical and cultural values of the coastal environment.

Explanation of Policies

The Coastal Protection Area is an area of land that essentially covers the length of the South Taranaki coastline that is identified on the planning maps and is considered to represent the characteristics and extent of the coastal environment in accordance with the New Zealand Coastal Policy Statement (NZCPS). A natural character assessment of the coastal environment was prepared during the development of the District Plan (2014), which established the existing level of natural character for different parts of the coastal environment. This assessment has been used to help identify the extent of the Coastal Protection Area, and in turn, to understand the impact that a proposed activity may have on the natural character of a particular site or section of the coast, including attributes which may have high levels of natural character. The inland extent of the Coastal Protection Area was mapped at a broad scale of 1:50,000, acknowledging that the information provided for the natural character assessment ranged in detail and mapping scale. In some areas along the coast, the inland boundary of the Coastal Protection Area represents the interface between land where coastal processes, influences or qualities are significant and land more heavily modified by human processes, principally farming. In other areas where there is no clear demarcation of the inland extent of the significant coastal processes, a distance of 100 metres from cliff top edge for sections of the coast with a cliff or Mean High Water Springs has been used, as the limit to which the significance of the coast is no longer so apparent due to the scale and nature of the underlying landform. Consequently, the boundary line has only been adjusted where there is an obvious logic to do so, but in all other locations reflects a boundary line drawn 100 metres from cliff tops following the coastal edge. A finer scale assessment of the characteristics and extent of the coastal environment as part of assessing a particular site or section of the coast for any resource consent application/notice or requirement/plan change will determine whether such areas are within or outside the coastal environment. This assessment will determine whether or not the site or section exhibits one or more of the characteristics in Policy 2.15.8 and whether the residual policies in this section will apply.

Within the Coastal Protection Area, three areas have been identified as having 'outstanding natural character' (Whenuakura Estuary, Waipipi Dunes and Waitotara).

These areas contain 'very high' natural character values based on two criteria: biophysical attributes, and sensory attributes. Biophysical attributes are abiotic (including geological, hydrological or topographical) and biotic (including native vegetation communities, wildlife or ecosystems). Sensory attributes are experiential only, and includes naturalness (wild and scenic) and transient values. Further information on the values and attributes of these areas is contained in the Landscape Assessment. Areas

of outstanding natural character are identified on planning maps, and are afforded special protection (over and above the preservation of the natural character of the coastal environment). The NZCPS has a clear directive to avoid adverse effects of inappropriate subdivision, use and development on areas of outstanding natural character which is expressed in Policy 2.15.9. However, it is recognised in current case law (*Environmental Defence Society Inc v New Zealand King Salmon Company Limited* (“*King Salmon*”) [2014] NZSC 38) that it may be acceptable to allow subdivision, use and development that have minor or transitory adverse effects in areas of outstanding natural character where their avoidance is not necessary (or relevant) to preserve the natural character of the coastal environment, or protect natural features and natural landscapes.

The protection of the natural character and other values of the coastal environment need not impact on already established activities such as farming or energy generation, nor does it preclude new types of land use, subdivision and development that may be appropriate in certain places or where adverse effects can be avoided, remedied or mitigated. Examples where change may be acceptable include development within coastal settlements (some of which have been in existence since early 1900s). Furthermore, many activities associated with recreation such as camping grounds, ablution facilities, surf lifesaving buildings and storage sheds have been established, the majority of which have a functional need to be located within the coastal environment. The District Plan recognises that these facilities provide wider benefits to the community and can increase recreational values of coastal areas and therefore does anticipate that changes may be required from time to time. Further to this, it is recognised that the coast provides physical resources that are of value (for example energy resources, including wind and other energy resources) and because of the location of these resources and functional requirements of infrastructure, there may be instances where, new land use activities and development may wish to locate within the coastal environment. For large scale development, the District Plan requires resource consent as a non-complying activity to provide for a rigorous assessment of the proposal.

In considering how the coastal environment should be used, protected and developed in the future, it is considered appropriate for new buildings, subdivision and development to be located within or in close proximity to existing coastal settlements, to preserve currently remote areas of the coastline and avoid development that would adversely affect the natural character of these areas. It is appropriate to consolidate development in a way which ensures that potential adverse effects are avoided, remedied or mitigated, such as ensuring the provision of adequate wastewater systems. Appropriate use and development may be acceptable in some parts of the coastal environment or where there is a functional need to locate there. However adverse impacts which may include the degradation of natural character, open space, landscape and amenity values, or historical, cultural, and recreational values will need to be taken into account when considering a development proposal. In these situations it is important that the developer understands the values and attributes of the coastal environment, and responds by ensuring that the adverse effects of such development are avoided, remedied or mitigated. Specifically concerning historical or cultural matters, Sections 2.5 (Historic Heritage) and 2.7 (Tāngata Whenua) contain objectives and policies that need to be considered in conjunction with this section. In addition, Schedule 1 identifies known historic heritage and sites of significance to Tāngata Whenua. Furthermore, the disposal of waste in the coastal environment can adversely affect the relationship of Maori with their spiritual, cultural, historical and social association with the coast. Therefore, this type of activity is managed to ensure it avoids, remedies and mitigates the adverse effects on the special values of the coastal environment.

Parts of the coastal environment in the District are particularly difficult to access and in some ways this has protected them from inappropriate use. At the same time access along the coast has been disjointed due to the variety of land ownership, landforms, the steepness of the topography and the presence of major river estuaries and river mouths. It is recognised that there is other legislation (e.g. [Reserves Act 1977](#)) which is relevant to public access to certain areas, and this may include the coast.

The policies seek to encourage provision for a continuous coastal walkway/cycleway to enhance public access to the coast, primarily through community initiatives, as well as the creation of esplanade reserves or strips. The policies also consider the adverse effects that vehicle access can have on natural character and ecological processes, and seek to avoid adverse effects where possible.

Methods of Implementation

The principal methods of implementation are:

- Identify a Coastal Protection Area and areas of Outstanding Natural Character in the District Plan.
- Rules relating to subdivision, buildings, structures, earthworks, waste disposal and indigenous vegetation clearance in the Coastal Protection Area.
- Use of conditions on resource consents to ensure the adverse effects of subdivision, land use and development on the natural character of the coastal environment are avoided, remedied or mitigated, and public access is maintained and enhanced by way of esplanade reserves and strips.
- Encourage the use of protection mechanisms under other legislation such as Reserve Management Plans under the [Reserves Act 1977](#).
- Implementation of a South Taranaki Coastal Walkway Strategy in consultation with the local community.
- Education and information sharing to raise community awareness of the natural character of the coastal environment and the importance of preserving the coastal environment from inappropriate subdivision, use and development.
- Provide guidance and advice to assist landowners and government agencies to protect the natural character of the coastal environment, including advice on restoration and rehabilitation of indigenous vegetation.
- Liaise and collaborate with landowners, interest groups and agencies with interests in the protection of the natural character of the coastal environment.

Section 2.16 Natural Features and Landscapes

Issues

2.16.1 Inappropriate subdivision, use and development may adversely impact on people's use, enjoyment and appreciation of outstanding natural features and landscapes, and/or result in the degradation of their values.

2.16.2 That the special characteristics and values of other natural areas, features and landscapes which are important to the South Taranaki community are managed appropriately, whilst having regard to private property rights.

The South Taranaki District has a number of outstanding and important natural features and landscapes, which contribute to community identity and shape the growth and development of South Taranaki. These natural features and landscapes contribute to the high quality of the environment in the South Taranaki District and feature prominently in what residents like most about living in South Taranaki.

It is a matter of national importance under the RMA to protect Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development. Specific to the South Taranaki District, examples of inappropriate subdivision, use and development include the increasing level of



subdivision along the coast, and site-specific developments that can affect archaeological and heritage sites, indigenous vegetation or amenity. Activities such as building, subdivisions, quarrying or mining, forestry harvesting, land farming, land clearance, grazing, and road and infrastructure development, can have varying levels of effects depending upon the scale, visual dominance, design, and location of the activity. Intensification of recreational activities and associated auxiliary development, network utility structures in prominent locations, and damage to natural habitats and indigenous vegetation from pests and grazing animals are also key threats to Outstanding Natural Features/Landscapes in South Taranaki.

In line with the RMA, the Taranaki Regional Policy Statement (2010) (RPS) refers to identifying 'outstanding' natural features and landscapes as those features or landscapes of "exceptional value or eminence or distinction at a national, regional or district level". The RPS refers to the outstanding natural features and landscapes within South Taranaki as including Mt Taranaki as a dominant volcanic form, visible throughout most of South Taranaki, and parts of the extended lahar deposits throughout the ring plain. In addition, Hangatahua (Stony) River and Lake Rotokare are also discussed as being outstanding in terms of their natural values, features and landscapes.

In response to these higher order planning documents, a Landscape Assessment of the South Taranaki District was undertaken in 2014 which identified the following Outstanding Natural Features/Landscapes for the purposes of the District Plan:

Within the coastal environment:

- Oaonui (Sandy Bay)
- Kaupokonui
- Kapuni
- Waverley Beach
- Waitotara River Mouth

Outside the coastal environment:

- Mount Taranaki
- Hangatahua (Stony) River
- Lake Rotokare
- Whanganui National Park

The criteria used to assess natural features and landscapes focuses on an understanding of landscape values into biophysical or natural science aspects, sensory and aesthetic aspects, and other associative aspects. Natural features and landscapes were only identified as 'outstanding' in relation to exceptional natural features or areas of landscape which scored at least "very high" sensory values and at least "high" biophysical and associative values. The RPS states that recognition shall be given to other natural features and landscapes which are not outstanding but still important for natural character, amenity, heritage, cultural, spiritual or scientific or educational values. The lahar mounds and Lake Rotorangi are not considered to be outstanding, but are still important for their geological and associated natural character, amenity and cultural values. These are referred to as 'other important natural features and landscapes'.

Objectives

2.16.3 To protect Outstanding Natural Features/Landscapes from inappropriate subdivision, use and development.



- 2.16.4** To recognise the qualities and values of other important natural features and landscapes and have regard to their values when undertaking new subdivision, use and development.

Policies

- 2.16.5** Protect natural features and landscapes of the coastal environment from inappropriate subdivision, use and development by:
- (a) Avoiding adverse effects of activities on the qualities and characteristics that contribute to the values Outstanding Natural Features/Landscapes in the coastal environment; and
 - (b) Avoid significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on the qualities and characteristics that contribute to the values of other natural features and natural landscapes in the coastal environment.
- 2.16.6** Manage the scale, location and design of subdivision, use and development within Outstanding Natural Features/Landscapes and determine its appropriateness based on the following:
- (a) The value, importance or significance of the natural feature or landscape at the local, regional or national level.
 - (b) The degree and significance of actual or potential adverse effects (including cumulative effects) on Outstanding Natural Features/Landscapes and the efficacy of measures to avoid, remedy or mitigate such effects.
 - (c) The benefits derived from the proposed activity at the local, regional and national level.
 - (d) The extent to which the proposed activity recognises and provides for the relationship of Tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
 - (e) The purpose of the proposed activity, its need to occur in the particular location, and whether it is an anticipated feature of the environment.
 - (f) The degree of modification of the existing Outstanding Natural Feature/Landscape, its sensitivity or vulnerability to change, or capacity to accommodate change without compromising the values of the feature or landscape.
- 2.16.7** Manage the scale, volume, depth, and location (visibility) of earthworks within Outstanding Natural Features/Landscapes to ensure they do not adversely affect the qualities and characteristics that contribute to the values of Outstanding Natural Features/Landscapes.
- 2.16.8** Protect the natural landforms of Kaupokonui and Kapuni Stream Mouth from adverse visual dominance effects of subdivision, use and development establishing on the coastal cliff edge surrounding the Outstanding Natural Landscapes/Features.
- 2.16.9** Recognise and provide for the ongoing use of the Kaupokonui Beach Motor Camp within the area identified as the Kaupokonui Outstanding Natural Feature/Landscape.
- 2.16.10** Recognise that existing infrastructure for the transmission of hydrocarbons from off-shore at Oaonui (Sandy Bay) is located within an Outstanding Natural Feature/Landscape.

- 2.16.11** Consider potential adverse effects of subdivision, use and development on the qualities and characteristics that contribute to the values of the following important natural features and landscapes:
- (a) The collective contribution and geological significance of lahar mounds to South Taranaki's rural landscape.
 - (b) The amenity, recreation, cultural, conservation and natural character values of Lake Rotorangi, recognising the ongoing operational requirements of the Pātea Hydro Scheme.
- 2.16.12** Ensure that development within the visual catchment of Lake Rotorangi avoids, remedies or mitigates adverse effects on the amenity, recreation, cultural, conservation and natural character values associated with the lake.
- 2.16.13** Recognise and provide for the positive effects associated with landscape and biodiversity restoration.
- 2.16.14** Manage the disposal of waste in Outstanding Natural Features/Landscapes to avoid, remedy or mitigate adverse effects on these features and landscapes.

Explanation of Policies

The above policies seek to ensure the protection of the identified Outstanding Natural Features/Landscapes, and the maintenance of other important natural features and landscapes by managing the scale, location and extent of activities in relation to the qualities and characteristics that contribute to the values of these features and landscapes. Similar to activities in the coastal environment, the above policies do not preclude appropriate development, particularly high quality development that is sensitive to the qualities and characteristics that contribute to the values of an Outstanding Natural Feature/Landscape or other important natural features or landscapes.

District Plan rules have been applied to protect Outstanding Natural Features/Landscapes within the coastal environment, and Lake Rotokare. Mount Taranaki and Whanganui National Park are managed using protection mechanisms under other legislation such as Reserve Management Plans under the Reserves Act 1977. Hangatahua (Stony) River is also identified as a significant waterbody on Planning Maps and listed in Schedule 5 for protection. Building setbacks and requirements for esplanade strips or reserves at the time of subdivision or development would assist in the protection of its important values. Specific recognition and provisions are included for Lake Rotorangi carrying over methods from previous District Plans/Schemes.

Through the resource consent process, the intensity, scale, location and design of a proposed activity or development will be assessed to determine the potential effects on the qualities and characteristics that contribute to the values of the identified area. Policy guidance and assessment criteria will assist decision-making to ensure development within these areas is compatible with the surrounding environment.

Methods of Implementation

The principal methods of implementation are:

- Identify Outstanding Natural Features/Landscapes and other important natural features and landscapes on Planning Maps.
- Rules relating to subdivision, buildings, structures, earthworks, waste disposal and indigenous vegetation clearance in the Outstanding Natural Features/Landscapes provisions.

- Rules relating to buildings near Lake Rotorangi to maintain the values of the lake.
- Use of conditions on resource consents to ensure the adverse effects of subdivision, use and development on Outstanding Natural Features/Landscapes and other important natural features and landscapes are avoided, remedied or mitigated.
- Use of protection mechanisms under other legislation such as Reserve Management Plans under the [Reserves Act 1977](#), particularly for Mount Taranaki, Whanganui National Park and Lake Rotokare.
- Education, advocacy and information sharing to raise community awareness of the attributes and values of Outstanding Natural Features/Landscapes, their contribution to community identity, and the need to protect these from inappropriate subdivision, use and development.
- Provide guidance and advice to assist in the protection of landscape character, including advice on restoration and rehabilitation of indigenous vegetation.
- Liaise and collaborate with landowners, interest groups and agencies with interests in the protection of Outstanding Natural Features/Landscapes and other important natural areas, features and landscapes.

Section 2.17 Indigenous Biodiversity

Issues

- 2.17.1 Inappropriate subdivision, use and development can result in the modification, damage or destruction of significant indigenous vegetation and significant habitats of indigenous fauna.**
- 2.17.2 Loss and reduction in the District's indigenous biodiversity resulting from clearance, stock damage, plant and animals pests, and the overall fragmentation and isolation of habitats.**

Water quality, soil stability, vegetation cover and ecological diversity are key components of a healthy natural environment. Taranaki's native bush areas, rivers and streams, wetlands and coastal areas provide significant habitats for indigenous flora and fauna species, including threatened species. There are an estimated 108 threatened species in the Taranaki region which are considered to be nationally threatened or at risk of extinction. Within South Taranaki, less than 29.8% of indigenous forest remains, with the majority in the Mt Egmont National Park and eastern hill country (including within the Whanganui National Park). There are acutely or chronically threatened land environments in the District and only 16% of the District's land area is under formal protection through Department of Conservation administered land or Queen Elizabeth II National Trust Covenant.

Subdivision, use and development can result in the damage and destruction of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the intrinsic values of ecosystems, including loss of indigenous biological diversity. Each component of the natural environment can only accept a limited amount of change from human activities (e.g. loss of flora and fauna, reduction in overall area of natural environment, or breaks in the ecological relationship between different parts of the natural environment system). When these limits are exceeded there is a decline in the health and wellbeing of the natural environment, affecting its ability to reproduce at a sufficient rate to replenish. The majority of remaining significant indigenous vegetation and significant habitats of indigenous fauna in South Taranaki are small, fragmented and faced with a number of pressures (e.g. pests such as feral animals and invasive weeds).



Historically, the greatest threat to the sustainability and protection of natural areas has come from modification of land for farming purposes (clearance, drainage and re-vegetation), together with large-scale logging of native timber and clearance for exotic forestry plantations. The limited amount of remnant significant indigenous vegetation and significant habitats of indigenous fauna are valued by landowners for their ecological or aesthetic values or remain to be unmodified because there is generally no alternative economic use for them.

As every natural area is different, there is difficulty in defining the limits of the various resources that make up a healthy natural environment and also in understanding the human activity that adversely affects these limits. Because knowledge and understanding of biodiversity limits is rudimentary, a precautionary approach is appropriate to manage adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Objectives

- 2.17.3** Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development.
- 2.17.4** The maintenance and enhancement of indigenous biodiversity through the protection, enhancement and restoration of indigenous habitats and indigenous vegetation.

Policies

- 2.17.5** Identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as 'Significant Natural Areas', which are of significance for one or more of the following reasons:
- (a) The presence of rare or distinctive indigenous flora and fauna species.
 - (b) The representativeness of an area.
 - (c) The ecological context of an area.
- 2.17.6** Consider the future sustainability of areas of significant indigenous vegetation and significant habitats of indigenous fauna when deciding on what action should be reasonably and practicably taken to protect the values of the area.
- 2.17.7** Avoid, remedy or mitigate any significant adverse effects of subdivision, use and development that would result in a loss of indigenous biodiversity values such as:
- (a) Clearance, modification, damage or destruction of large areas of intact indigenous vegetation.
 - (b) Clearance of indigenous vegetation in regionally significant wetlands.
 - (c) Subdivision of land and location of buildings and works in close proximity to areas of significant indigenous vegetation and significant habitats of indigenous fauna.
 - (d) Uncontrolled stock grazing that can damage indigenous vegetation and regeneration.
 - (e) Increased exposure to invasive introduced plant and animal species that pose a threat to indigenous biodiversity.



- 2.17.8** Avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects of subdivision, use and development in the Coastal Protection Area on:
- (a) Areas of predominantly indigenous vegetation, or
 - (b) Indigenous habitats and ecosystems, important for indigenous species, which are particularly vulnerable to modification, particularly coastal herbfields, wetlands and coastal dunes.
- 2.17.9** Protect Significant Natural Areas, and maintain and enhance indigenous biodiversity values, having regard to the following matters:
- (a) Actual or potential impacts on the significance of the affected area and on ecological values (including habitat, vegetation and fauna), and cultural, intrinsic and/or amenity values.
 - (b) The sustainability of the habitat or area of vegetation proposed to be modified or damaged or any adjoining habitat or area of vegetation to an area proposed to be affected.
 - (c) The representativeness of the affected vegetation or habitat and impact on its inter-relationship or continuity with other habitats or areas of indigenous vegetation.
 - (d) Whether the affected area retains the presence of rare or distinctive, threatened or at risk, indigenous flora or fauna species.
 - (e) The extent to which the proposal is the minimum necessary to protect significant indigenous vegetation and significant habitats of indigenous fauna.
 - (f) Significant residual effects should be offset, or where 'no net loss' cannot reasonably be achieved, addressed by environmental compensation measures, proposed or agreed to by the applicant.
- 2.17.10** Support community and landowner initiatives for the maintenance, protection, enhancement and restoration of significant natural areas and encourage the use of other non-regulatory incentives and assistance to protect indigenous biodiversity.
- 2.17.11** Recognise and provide for the role of Tāngata whenua as kaitiaki, including meaningful consultation on the management of indigenous biodiversity in areas of particular cultural significance to Tāngata whenua, and providing for customary use of indigenous biodiversity according to tikanga.
- 2.17.12** Recognise existing network utilities within the coastal environment, outstanding natural features and landscapes and significant natural areas and provide for their ongoing operation, maintenance and upgrading requirements.
- 2.17.13** New network utilities shall not be located in Significant Natural Areas unless:
- (a) The infrastructure is subject to a significant functional constraint and the adverse effects:
 - (i) are outweighed by the overall economic, social and/or environmental benefits; and
 - (ii) can be addressed through biodiversity off-setting, or, where 'no net loss' cannot reasonably be achieved, addressed through environmental compensation measures, proposed or agreed to by the applicant; and
 - (b) The route/site selection process has identified no feasible alternative.



Explanation of Policies

The continued existence of significant indigenous vegetation and significant habitats of indigenous fauna that are representative of native ecosystems, or rare or distinctive indigenous flora and fauna species is important for ecological, biodiversity and intrinsic purposes, but also for the legacy that is left for future generations. The preservation of the natural character of wetlands from inappropriate subdivision, land use and development, and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance in the RMA. Significant indigenous vegetation and significant habitats of indigenous fauna are also valued for their amenity, aesthetic, natural character, cultural and heritage values.

Policy direction in the Taranaki Regional Policy Statement sets out District Council responsibilities for controlling land use activities for the purpose of managing indigenous biological diversity. The identification of Significant Natural Areas for scheduling in the District Plan is based on the criteria set out in the Regional Policy Statement.

To qualify as a Significant Natural Area, the site must have values that meet at least one of the 'representativeness', 'rarity/distinctiveness' or 'ecological context' criteria. The significance criteria are outlined below.

Representativeness

Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district. This includes an area being significant because it supports ecosystems that:

- Are now much reduced in relation to their former extent (i.e. nationally rare or uncommon, rare within the ecological region, or uncommon elsewhere in that ecological district or region but contain all or almost all species typical of that habitat type); or
- Represent all that remains of indigenous biodiversity in some areas and are not well represented in protected areas. In some cases, a significant area can include degraded examples where they are some of the best remaining examples of their type.
- Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district.

Rarity/Distinctiveness

- Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the Taranaki Region, relevant land environment, or ecological district.
- Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is exceptional in terms of abundance or habitat, endangered or vulnerable, regionally threatened or at risk, or rare or uncommon as they only occur in Taranaki, or, although common elsewhere, are particularly uncommon in Taranaki or within the relevant ecological district.
- The site contains indigenous vegetation or an indigenous species at its distribution limit within the Taranaki Region or nationally.
- Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

Ecological Context

- Vegetation or habitat of indigenous fauna that provides or contributes to an important ecological linkage or network, which is significant because it enhances connectivity between



fragmented indigenous habitats; or buffers or similarly enhances the ecological values of a specific site of value.

- Indigenous vegetation or habitat of indigenous fauna that provides important seasonal or core habitat for specific indigenous species (including refuges from predation, or key habitat for feeding, breeding, or resting).

The management response for individual Significant Natural Areas will need to consider the sustainability criteria:

Sustainability

- Extent of management input required to ensure sustainability.
- Future sustainability of the area's significance.

As habitats for indigenous species are often on private land, the main challenge in South Taranaki is to strike an appropriate balance between the protection of significant indigenous vegetation and significant habitats of indigenous fauna within the context of a productive landscape.

Sustaining biodiversity on private land requires the good will, co-operation and individual commitment of landowners. However, there are often tensions between landowner's aspirations for land use and development and the preservation of indigenous habitats. Costs to the individual to protect significant indigenous vegetation or significant habitats of indigenous fauna for region-wide or nation-wide benefits, and the reality that ecosystems are not confined to specific sites creates a challenge for South Taranaki District Council. The Council will consider recognising the public-good benefits and private ownership costs of conservation, by encouraging the use of non-regulatory incentives and assistance (such as assistance with fencing, rates relief, management advice or education) to landowners of significant indigenous vegetation or significant habitats of indigenous fauna.

In circumstances where adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna cannot be adequately mitigated, it is recognised that there are limits to what can be offset because some vegetation or habitat and associated ecosystems are vulnerable or irreplaceable. In such circumstances, biodiversity offsetting will not be possible and local authorities will need to take full account of residual adverse effects in decision-making processes.

Objective 2.17.4 recognises South Taranaki District Council's obligation to "maintain and enhance" indigenous biodiversity in a general sense under Section 31 of the Resource Management Act. 'No net loss' of indigenous biodiversity is achieved by the protection of existing areas and habitats and/or the restoration and enhancement of areas and habitats through biodiversity offsets or other initiatives.

Methods of Implementation

The principal methods of implementation are:

- Schedule of Significant Natural Areas in the District Plan according to their relative significance values based on criteria of representativeness, rarity/distinctiveness, or ecological context, and future sustainability, and identify these on relevant Planning Maps.
- Rules relating to the modification, damage or destruction of Significant Natural Areas, and general clearance of other areas of significant indigenous vegetation and habitats of indigenous fauna.
- Use of conditions on resource consents to ensure that the adverse effects of subdivision, use and development on significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated.

- Application of nationally accepted best practice principles for biodiversity offsetting to achieve 'no net loss' or a 'net gain' of indigenous biodiversity where adverse effects cannot be avoided, remedied or mitigated.
- Through the Long Term Plan and Annual Plan processes, the Council may commit resources such as rates relief, grants for fencing, waiving of consent fees or access to professional ecological advice to encourage the maintenance, protection and restoration of significant natural areas.
- Encourage the use of voluntary covenants and protection mechanisms under other legislation by rates relief and possible contributions towards survey and legal costs for Significant Natural Areas.
- Education and information sharing to raise community awareness of biological diversity issues and the importance of protecting remnant areas of significant indigenous vegetation and significant habitats of indigenous flora and fauna.
- Provide guidance and advice to assist landowners to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- Liaise and collaborate with landowners, interest groups and agencies with interests in the protection of indigenous biodiversity.

Section 2.18 Waterbodies

Issues

- 2.18.1** Inappropriate subdivision, use and development can adversely affect the natural character and conservation, recreation, amenity, heritage and cultural values of lakes, rivers, wetlands and other waterbodies.
- 2.18.2** There is demand for public access to and along lakes, rivers and other waterbodies to support recreational opportunities. However, this access could adversely affect other values of the waterbodies (e.g. natural character, conservation, heritage, cultural), as well as operational requirements of adjoining land.
- 2.18.3** Activities on the surface of lakes and rivers can have adverse effects on the values of the waterbodies (e.g. natural character, conservation, amenity, cultural, historical), as well as conflict with other activities.

South Taranaki has a variety of lakes, rivers, streams and other waterbodies which are valued for a range of natural character, conservation, recreation, amenity, heritage and cultural reasons. Lake Rotokare and Lake Rotorangi are important for recreation including swimming, kayaking and water skiing. Hangatahua (Stony) River is regionally important for fisheries and angling, scenic characteristics and recreational, historical and cultural features. Other regionally significant rivers have high natural, ecological and amenity values. In the context of this District Plan 'other waterbodies' includes streams and tributaries, and wetlands.

Many rivers are culturally significant for Tāngata whenua and are recognised in statutory acknowledgements (e.g. Pātea River, Whenuakura River, Waitotara River Mouth, and Tangahoe River). Waterbodies are seen as the lifeblood of the land and the people, therefore access to waterbodies, the management of water quality and ecological systems are important to Tāngata whenua, for cultural, spiritual, historical and traditional reasons, including customary activities.



It is a matter of national importance under the RMA to preserve the natural character of lakes, rivers and wetlands and their margins, and to protect them from inappropriate subdivision, use and development. Many of South Taranaki's rivers flow through farmland, particularly those on the lower to middle reaches of the ring plain. There has been, and remains to be, potential for modification and deterioration of the waterbody margins by unsustainable land use practices, vegetation clearance, and earthworks. Many of the District's wetlands have been drained or filled for agricultural production and urban development. Likewise, many river margins have lost much of their protective cover of riparian vegetation, resulting in a loss of natural character which also adversely affects the functioning and water quality of ecosystems. The Regional Council is the agency with primary responsibilities in this area, although the District Council plays a role in relation to the indirect effects of land use on waterbodies, the management of the effects of activities on the surface of water, and has a general responsibility to maintain and enhance indigenous biodiversity.

The maintenance and enhancement of public access to and along lakes and rivers is also a matter of national importance. The recreational values of waterbodies are constrained by limited access, therefore it is important to provide access, as long as it does not adversely affect conservation values, cultural values, or increase risk to natural hazards.

Activities on the surface of water or on land near waterbodies can adversely affect the values of the waterbodies if not properly managed. For example, Lake Rotokare is valued for recreation, including swimming, kayaking and water skiing which can conflict with its high natural character and conservation values (e.g. motorised recreational craft can lead to spillage of oil, grease or diesel and potentially reduce water quality, or excessive noise can be detrimental to native ecosystems and natural character).

Activities on the surface of lakes, rivers and other waterbodies are managed by the District Council. It also maintains and enhances public access with the creation of esplanade reserves and strips at the time of subdivision and land use adjacent to significant waterbodies. Taranaki Regional Councils' responsibilities in relation to waterbodies are to manage the quality and quantity of freshwater and ecosystems for freshwater habitat by controlling the discharge of contaminants to water and the taking, use, damming and diversion of water.

Objectives

- 2.18.4** To preserve the natural character of the district's lakes, rivers, streams, wetlands and other waterbodies and protect them from inappropriate subdivision, use and development.
- 2.18.5** To maintain and enhance public access to and along the margins of lakes and rivers with high natural character, conservation, recreation, amenity, heritage or cultural values.
- 2.18.6** To enable activities on the surface of lakes and rivers while recognising and protecting their natural character, heritage and cultural values, and maintaining the amenity and recreation values of lakes, rivers and their margins.
- 2.18.7** To maintain and enhance the recreational and amenity values of lakes, rivers, streams and other waterbodies.



Policies

- 2.18.8** Identify significant lakes, rivers and other waterbodies with high natural character, ecological, recreation, amenity, heritage and cultural values.
- 2.18.9** Avoid, remedy or mitigate the adverse effects of subdivision, use and development that would detract from or compromise the natural character, ecological, recreation, amenity, heritage and cultural values of lakes, rivers and other waterbodies.
- 2.18.10** Ensure that subdivision, use and development is of a scale, location, and design that protects the natural character of lakes, rivers and other waterbodies and maintains and enhances their values by having regard to the following matters in assessing proposals:
- (a) Extent to which natural processes, elements and patterns that determine the natural character of the water body are sustained, and/or restored and rehabilitated;
 - (b) Degree of protection of vegetation cover and patterns, including use of a buffer or riparian margin;
 - (c) Compatibility with existing level of modification to the environment;
 - (d) Functional necessity to be located in or near the waterbody, and no reasonably practicable alternative locations exist;
 - (e) Ability to mitigate any potential adverse effects of subdivision, use and development; and
 - (f) Provision of public amenity and access to land acquired by Council for reserve purposes.
- 2.18.11** Provide for the maintenance of the natural character of lakes, rivers and other waterbodies and their margins, whilst balancing the need to provide public access to and along these waterbodies by way of an esplanade network.
- 2.18.12** Promote sustainable management practices in order to maintain and enhance the natural functioning of waterbodies, and improve water quality.
- 2.18.13** Promote and encourage the development and maintenance of riparian fencing and planting along waterbody margins.
- 2.18.14** Provide for esplanade reserves or strips at the time of subdivision or development adjacent to significant lakes or rivers, particularly where it is compatible with conservation values, and if one or more of the following matters apply:
- (a) Development pressure is high and may result in damage to the natural character of the environment, including water quality, habitat and visual amenity.
 - (b) Where it would provide connections to existing reserves.
- 2.18.15** Establish a connected network of esplanade reserves for public access and recreation purposes, along the margins of significant rivers and streams in the long term.
- 2.18.16** Maintain and enhance public access to and along rivers and lakes as far as practical, except where restrictions are necessary to:
- (a) Preserve natural character.
 - (b) Safeguard ecological or intrinsic attributes.
 - (c) Avoid conflicts between competing uses.

- (d) Protect cultural and spiritual values of Tāngata whenua.
 - (e) Protect human health and safety.
 - (f) Protect the integrity of river and flood control works.
 - (g) Protect significant infrastructure and network utilities.
 - (h) Provide for other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.
- 2.18.17** Promote public access to the margins of significant lakes and rivers, especially those of recreational/access value, while recognising that restrictions may be necessary to provide for the needs of alternative legislation or other values.
- 2.18.18** Prioritise the creation of esplanade reserves of strips along significant rivers valued for recreational or public access purposes and consult with relevant affected parties.
- 2.18.19** Recognise cultural and spiritual values of Tāngata whenua and enable customary activities to be undertaken within and adjacent to lakes, rivers and other waterbodies, including by managing subdivision, use and development adjacent to the Pātea River, Whenuakura River and Tangahoe River given the cultural and spiritual values of these particular rivers.
- 2.18.20** Enable activities on the surface of lakes and rivers to maintain and enhance community wellbeing whilst avoiding or mitigating adverse effects on health and safety, and on natural character, conservation, amenity, heritage and cultural values.
- 2.18.21** Develop sustainable methods for the use of the surface of water in lakes and rivers, in association with Tāngata whenua and the community.
- 2.18.22** Where appropriate, negotiate the voluntary creation of esplanade strips and access strips with landowners by agreement.

Explanation of Policies

Managing development, land use and subdivision close to lakes, rivers and other waterbodies is important to protect the high natural character and special values of these waterbodies, including conservation, recreation, amenity, heritage and cultural values. It is generally inappropriate to place structures within, and immediately adjoining, waterbodies, except for those that are required to be located in these areas by their nature, such as flood protection works, bridges, small recreational structures or structures for irrigation, water supply, or energy generation.

If buildings, structures and activities are not effectively managed adjacent to or on the surface of waterbodies, they may create environmental effects such as adverse visual impacts, excessive noise, and loss of public access to riparian areas which affects the natural character and special values of these areas.

An effective way to achieve protection of the natural character of waterbodies is to create a buffer between waterways and adjoining activities, through the creation of esplanade reserves and strips at the time of subdivision or development. A schedule of significant rivers has been created for this purpose, which effectively prioritises specific rivers in the District which have important special values (natural/conservation values, natural hazards, recreational/access values, heritage/cultural values and water quality). Many of these rivers presently have some form of reserves set aside. Over time, it is anticipated that a comprehensive network of connected esplanade reserves or strips based on the values of these rivers would enhance natural character and public access in accordance with the requirements of the RMA. However, it is recognised that the promotion of public access and the



conservation of water margins affects the rights of landowners to use their land, and there may be circumstances where it is appropriate to restrict public access to rivers (e.g. or preservation, to protect private property rights or for public safety).

Methods of Implementation

The principal methods of implementation are:

- Schedule of significant waterbodies in the District Plan, according to their natural and conservation values, natural hazard risk, recreational and public access values, heritage and cultural values, and water quality, and identify these on Planning Maps.
- Rules in the District Plan requiring the setting aside of esplanade reserves and/or strips on resource consent applications for subdivision, use and development.
- Use of conditions on resource consents to ensure that adverse effects of subdivision, use and development on lakes, rivers and other waterbodies are avoided, remedied or mitigated.
- Through the Long Term Plan and Annual Plan processes, the Council may commit resources such as rates relief or grants towards voluntary riparian planting, fencing of riparian areas, or voluntary public access to waterbodies.
- Co-ordination and liaison with the Taranaki Regional Council particularly in respect of advocacy, education initiatives and guidance related to riparian planting, and maintenance and enhancement of water quality.
- Encouraging voluntary methods of protection for riparian and wetland areas and planting particularly adjacent to scheduled rivers, and encouraging additional riparian management to avoid, remedy or mitigate the adverse effects of activities.
- Liaise and collaborate with landowners and other groups and agencies with interests in the management and protection of waterbodies.

Section 2.19 Natural Hazards

Issue

2.19.1 Natural hazards, such as risks of flooding, coastal erosion and inundation, and land instability, have the potential to generate adverse effects on people, property and the environment. Inappropriate use and development of land can also worsen the potential or severity of natural hazards.

Natural hazards have the potential to cause significant adverse effects and pose a risk to people, property and the environment. There are potentially high social and economic costs associated with natural hazards with significant consequences for public health and safety, agriculture, housing, infrastructure and valued aspects of the environment.

The location, nature and magnitude of these natural hazards vary throughout the District. The impact of a natural hazard on people, property and the environment is a function of the magnitude of the natural event, the density of population and the intensity of development. Active coastal erosion is occurring along the coastline from Ōpunakē to Pātea and south of Waitotara. Land instability is common in the eastern hill country, and Waitotara is known to be susceptible to flooding.

The vulnerability to natural hazard events can be increased by inappropriate development and human activity, which can exacerbate the potential or intensify the effects of natural hazards. For example, forestry clearance or earthworks can lead to increased run-off and flooding potential, or an increased

number of people living and building (and associated infrastructure) in hazard risk areas can increase the potential for a natural hazard to cause damage to people and properties. The Council's functions include controlling the effects of subdivision, use and development for the avoidance or mitigation of the effects from natural hazards.

Obtaining accurate information about natural hazards is one of the biggest challenges facing authorities. This information can provide data on the likely frequency, intensity, extent or location of natural hazard events, such as flooding and coastal erosion.

Below is a description of the known natural hazards in the South Taranaki context and the risks they pose to people, property and the environment in general.

Coastal Erosion and Inundation

Coastal erosion and inundation becomes a particular hazard where built development has occurred within the area of natural beach movements. People, properties, and other existing assets (e.g. gas pipelines) near the coastline are at risk from potential damage. The Pātea Township has a history of sand advancing towards the town and coastal erosion. There have been various modifications to the shoreline, river and estuary in response to these threats, including erosion protection efforts around the gas pipeline that crosses the estuary (including planting, rock wall and renourishment). Waverley Beach and Ohawe coastal settlements are in close proximity to the coastal cliffs, with some habitable buildings within 30-75 metres of the coastline, at potential risk from future coastal erosion.

The coastline from Ōpunakē to Pātea and south of Waitotara experiences ongoing coastal erosion of 0.05 to 1.1 metres per year¹⁸. Much of the shoreline comprises 30–40 metre tall, near vertical, soft sedimentary cliffs that are actively eroding through catastrophic failure and slumping. Narrow sandy beaches fronting the cliffs provide little protection from wave action and erosion. Erosion and accretion vary in different areas along the coast, over just a few kilometres, and under similar storm conditions due to various local factors. The nature and rate of coastal erosion vary depending on a particular area of the coastline and whether many storms have occurred over a particular time period. Hard shorelines erode slowly, but unconsolidated shorelines can erode or retreat depending on sediment supply and forcing conditions.

The coastal sand country along the southern-most area of the District is also subject to wind erosion, which can be exacerbated by the removal of vegetation (e.g. earthworks and motor vehicles which disturb the sand and vegetation cover, exposing it to the wind). River mouth migration is an important natural factor in the long-term erosion-vs-accretion pattern of the coastline, and is evident at Waitotara River, Pātea River and Kapoiaia Stream.

Climate change and associated sea level rise is likely to influence the frequency, scale or intensity of atmospherically influenced natural hazards such as coastal erosion and inundation from storm surges. Any future development in coastal settlements will need to be located and constructed so as to avoid worsening the erosion and inundation hazards and to protect property from extreme events.

Surface Water Flooding and River Bank Erosion

The impacts of flooding in South Taranaki are usually within very defined and specific areas. The greatest flood risk is associated with the major river systems in South Taranaki, particularly the Waitotara River. In addition, localised flooding occurs during and following high and intensive rainfall events which exceed the capacity of overland flow paths and stormwater systems.

¹⁸ NIWA (2012), "Coastal stability in the South Taranaki Bight – Phase 1".



Flooding and other storm related damage is a significant and reoccurring problem in the Waitotara catchment. Storms relating to flooding were experienced in 1869, 1891, 1903, 1904, 1924, 1936, 1971, 1990, 1999 and more recently 2004, 2006 and 2015. The most recent Waitotara floods had significant effects on the southern part of South Taranaki, particularly the Waitotara Township. The 2004 flood caused damage to 41 of 47 houses, and 14 were later condemned due to structural damage. Others were relocated out of town. The population dropped from 102 in 2001 to 66 in the 2006 and 2013 census, with 30 occupied dwellings in Waitotara at the time of the 2013 census. Damage and disruption was also experienced by small businesses and community buildings, including the Waitotara Store, the Waitotara Hotel, fire station, town hall, primary school, marae, church and Plunket rooms. Inland farming and other telecommunications, electricity and roading infrastructure (i.e. 250km of local roads and bridges) in the Waitotara catchment were also affected, mainly by subsidence and slipping. These services are important for the social and economic wellbeing of the area. There is low development pressure in the Waitotara Township, which may never regain the community present before the 2004 flood.

Following the 2004 Waitotara flood event, the Taranaki Regional Council (with financial assistance from STDC) carried out significant willow removal works to clear the critical paths of the Waitotara River and its major tributaries to increase flood carrying capacity of the river and thus lower flood levels. Erosion protection works are constructed and maintained at key locations to maintain the alignment of the river channels. An ongoing programme of works will be undertaken to maintain the cleared channel. A flood warning system was also installed.

The Pātea Dam and associated hydro-electric power scheme is located 42 kilometres east of the Pātea River mouth in the South Taranaki District. A failure of the dam structure subsequent to another natural hazard event would result in flood waters travelling down the Pātea River, and inundating lower lying parts of the Pātea township, before entering the sea at Carlyle Beach. Floodwaters would affect residential areas and cover the river road bridge (SH3) and the water pumping station.

In 2008, extreme rainfall events generated high flows centred on the ranges and western and southern flanks of the Egmont National Park, between Oakura and Ōpunakē. The high flows caused erosion and deposition within and adjacent to the Stony River, Mangatete Stream, Oaonui Stream and Waiiau River. High flows collected and transported trees and debris. The debris caused blockages to structures and resulted in surge flows and overtopping, resulting in damage to a number of structures including bridges, culverts, fords and fences.

Land Instability

Land instability, including slippage, slumping and subsidence occurs as a localised hazard throughout the District. The natural ground conditions of some parts of the District, in particular the inland hill country, with steep slopes and soil conditions, means that the land is susceptible to possible erosion, subsidence, slippage, debris flow and surface water flooding. Constructing new buildings in areas at risk of land instability could place people and property at unacceptable risk.

Volcanic Activity

A volcanic event (eruption) is an ever-present hazard risk in Taranaki which may create ash fall and lahar hazards throughout the District. There are no indications that Mt Taranaki is about to erupt, however, its unbroken geological history of activity indicates that it will in the future. A 2013 forecast based on the best available eruption dates estimates the chance of an eruption is 3% in any one year, or up to an

81% probability of at least one eruption in the next 50 years¹⁹. Mt Taranaki volcano is well monitored by the GeoNet project, and quiescent volcanoes like Taranaki almost always demonstrate unrest before an eruption starts, with warning periods likely to range between days to months.

An eruption poses a major threat to the economy and population of Taranaki with all parts of the environment, including settlements and activities, at potential risk.

Ash fall from volcanic eruptions has the potential to affect a large portion of the District. The impacts of ash fall will generally be disruptive rather than destructive. It is not possible to avoid the effects of ash fall on the District, but mitigation measures can prevent or limit the effects of ash fall and provide for the efficient removal of ash.

Lahars have the potential to affect the ring plain around Mount Taranaki, particularly the river valleys. Lahars pose a significant threat to buildings and infrastructure (e.g. roads, bridges) in their path as well as having a continuing impact on river systems, water quality, water supply networks and flooding. Lahars can reoccur long after an eruption has finished during periods of high rainfall.

Seismic

Seismic hazards, including fault rupture, ground shaking, liquefaction, and landslides can result from an earthquake. Compared to other parts of New Zealand, South Taranaki has a low seismic hazard risk. Different parts of the District are more or less susceptible to the risk of seismic hazards. There are a series of active faults recorded in the Cape Egmont Fault Zone to the west and south of Mt Taranaki. In addition, there is another series of active faults in the vicinity of Waverley. The areas in the District assessed with high potential liquefaction hazard are the lower reaches of the Waitotara, Whenuakura and Pātea Rivers. Earthquake ground shaking strong enough to cause minor sand boils and fissures can be expected, on average, every few hundred years (980-1,070 years). More extensive damage can be expected during stronger, but less frequent (9,500 – 14,300 years), ground shaking.

High winds/tornadoes

The South Taranaki District can experience high winds, especially on the south-west coast and the eastern hill country. These winds occur when vigorous fronts, troughs, deep depressions or cyclones cause strong northerly to westerly airflows, or south easterly airflows over the District. On average about one tornado will occur somewhere in Taranaki each year, with the frequency of severe cases about once in four years. High winds and tornadoes have the potential to cause significant damage to people and property.

Roles and Responsibilities

Management of natural hazards under the RMA involves the combined efforts of a number of agencies including District and Regional councils. The Regional Policy Statement for Taranaki states the different roles and responsibilities of the Taranaki Civil Defence Emergency Management (CDEM) Group and the Regional and District councils in relation to the management of natural hazards in the Taranaki region. In summary these roles and responsibilities are:

Taranaki CDEM Group

- To increase community awareness, understanding of, and preparation and readiness for emergencies; through public education, engagement, and community-led CDEM planning.

¹⁹ Green R M, Bebbington M S, Cronin S J, & Jones G. (2013); Geochemical precursors for eruption repose length; *Geophysical Journal International*, 193(2), 855-873.



- To reduce the risks from hazards in Taranaki; by improving understandings of hazards, and by developing and monitoring a group-wide risk reduction programme which demonstrates how individual agency initiatives contribute to overall regional risk reduction.
- To enhance Taranaki's ability to respond to emergencies; through continued focus on response plans, professional development and exercises, community recovery planning, management and training.

Taranaki Regional Council

- Controlling any actual or potential effects of subdivision, use and development for the avoidance and mitigation of natural hazards in the coastal marine area and the beds of lakes and rivers.
- Maintaining and carrying out public flood protection in flood control scheme areas under their respective scheme management plans.
- Preparing and implementing civil defence and emergency management plans.
- Gathering information on hazards in partnership with territorial authorities.
- Raising public awareness of the risks of natural hazards through education, including information about what natural hazards exist in the region, and what people can do to minimise their own level of risk and what help is available.

South Taranaki District Council

- Controlling any actual or potential effects of subdivision, use and development for the avoidance and mitigation of natural hazards on land.
- Providing hazard information for specific sites through Land Information Memoranda and Project Information Memoranda.
- Coordinating and integrating all aspects of hazard and emergency management functions and activities under the Civil Defence Emergency Management Act 2002 and the Civil Defence Emergency Management (CDEM) Group Plan for Taranaki (2012).
- Planning for the continuity of the Council's business and community services during the managed of any significant hazard or emergency.

Therefore, the principal role of the District Plan is to identify where the risks are most significant, and to manage subdivision, development and activities in these areas to avoid the exacerbation of such risks, and to reduce the risks as appropriate.

Objectives

- 2.19.2** The risks and adverse effects from natural hazards on people, property and the environment are avoided or mitigated.
- 2.19.3** Subdivision, use and development do not create, worsen, displace or increase the severity of natural hazards.

Policies

- 2.19.4** Identify areas at significant risk from the effects of natural hazards based on the likelihood of the events and potential risks and consequences.
- 2.19.5** Control the location and design of subdivision, use and development within identified natural hazard areas, or areas which have significant potential to be affected by a natural hazard, to avoid or mitigate the effects of the natural hazard.



- 2.19.6 Avoid, where practicable, the siting of new critical infrastructure and services ('lifelines') within areas of significant risk from natural hazard events.
- 2.19.7 Minimise the need for hazard protection works by ensuring that new subdivision, land use and development is located and/or designed to mitigate the potential effects of natural hazards.
- 2.19.8 Ensure that the use and development of land does not accelerate or worsen any material damage to that land, or displace to other land or structures, resulting from erosion, subsidence, slippage, debris flow, or surface water flooding.
- 2.19.9 Manage the effects of natural hazards caused by long-term shifts in climate and changes in sea-level. In particular, factor in climate change predictions in avoidance or mitigation measures.
- 2.19.10 Raise awareness and educate the community about natural hazard risks, and provide assistance in preparing, designing and planning for the occurrence of natural hazard events through the provision of information and advice.
- 2.19.11 Plan and review contingencies for the continuity of the Council's business and community services in the event of any significant hazard or emergency.

Coastal Erosion and Inundation

- 2.19.12 Manage subdivision, development of buildings, and structures within the Coastal Protection Area on land which may be susceptible to coastal erosion or the effect of sea level rise unless the activity can demonstrate:
 - (a) There will be significant community benefit.
 - (b) There is a functional requirement for the proposed location.
 - (c) It is relocatable; or
 - (d) That it will not increase the susceptibility of other nearby properties to natural hazards.
- 2.19.13 Recognise that natural defences against coastal hazards include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.
- 2.19.14 Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.

Surface Water Flooding

- 2.19.15 Identify the Waitotara Flood Hazard Area on the Planning Maps and avoid the establishment of any new dwelling unit within the Flood Hazard Area unless the building is designed to withstand the adverse effects of a 0.5% AEP (1 in 200 year) flood event, in which case the structure or activity may be allowed.
- 2.19.16 Ensure that any new dwelling unit constructed within the Flood Hazard Area as identified in Policy 2.19.15, or within 50 metres of a significant waterbody with flood hazard potential, adopts specifically designed measures to avoid or mitigate the hazard risks such as:
 - (a) A finished floor or ground level above the known or anticipated flood level.
 - (b) In a flood event, a safe area between dwelling units where evacuation may be carried out (preferably that will not be flooded) where the level of inundation of access



combined with water depth and velocity can be shown to result in no greater risk to human life, infrastructure or property.

- (c) Avoiding adverse effects on the effectiveness of existing flood hazard avoidance or mitigation measures, or natural landforms that protect against inundation, and overland stormwater flow paths.
- (d) Avoid or mitigate adverse effects on existing structures and activities.
- (e) Regard to the likelihood and consequences of the failure of the proposed flood hazard mitigation measures.
- (f) Regard to the consequential effects of ensuring new dwelling units have a finished floor or ground level, including but not limited to landscape and natural character, urban design, and the displacement of floodwaters onto adjoining properties.
- (g) Regard to the proposed ownership of, and responsibility for maintenance of, the flood hazard mitigation measures.

2.19.17 Control the location of buildings on land adjacent to major watercourses with flood hazard potential.

Land Instability

2.19.18 Manage subdivision, use and development in areas considered to be susceptible to land instability by siting work in stable locations to avoid hazard risks or adopting specifically designed measures such as appropriate building foundations or batter slopes to mitigate the hazard risks.

2.19.19 Encourage the retirement of high risk land susceptible to land instability to regeneration by covenant protection.

Seismic

2.19.20 Ensure that all structures and activities are constructed so as to minimise material damage from seismic events.

Fire

2.19.21 Ensure that all structures and activities incorporate measures to minimise risk of, and damage caused by, fire.

Wind

2.19.22 Ensure that all structures and activities incorporate measures to minimise risk of, and damage caused by, wind hazards.

Explanation of Policies

Appropriate identification and awareness of hazard risks and the implementation of the above policies through applicable development controls, including the avoidance of inappropriate development in hazard risk areas, will reduce the susceptibility of the South Taranaki community and valued aspects of the environment to natural hazards. For areas of known or suspected hazards, the most effective control technique available involves the retention of the Council's discretion to control activities that occur in known hazard risk areas.

Known hazard risk areas are identified in the District Plan and some form of controls are used to manage new land use activities, subdivision and development. These controls relate to coastal erosion and inundation, and flooding. For risks from other types of natural hazards such as land instability, seismic events and fire, measures outside the District Plan are used to avoid or mitigate the effects from other natural hazards. For example, controls under the [Building Act 2004](#) and by the Regional Council assist in the avoidance and mitigation of the effects of these types of natural hazards.

Where subdivision, land use or development is intended or expected to occur, it is important that every endeavour is made to avoid locations which are susceptible to significant risks of natural hazards. In some situations it may not be possible to consider alternative locations (for instance, where the development changes the use of existing buildings, or for infrastructure that has locational requirements), and for some hazards the risk may be fairly low or equal throughout the District. In these situations, every effort should be made to mitigate potential adverse effects expected to result from the hazard on people, property and the environment.

When assessing the effects of land use activities, subdivision and development within areas subject to natural hazards, important considerations are whether the proposal would alter or change the nature of a natural hazard event, increase the intensity of a natural hazard event or increase the risk of the event occurring. Through the resource consent process, the assessment and any conditions would need to ensure that the activities and structures do not increase the risk to the community or the environment. In particular, land use activities within or nearby hazard protection works can impair or compromise the function and maintenance of protection structures and works. The risks of natural hazards can also be avoided and mitigated by certain works, design and techniques. For example, sufficient building and subdivision design should not significantly increase surface runoff flooding. In some circumstances it may be possible to allow a building within a known hazard area on the basis that its design allows for separation distances, minimum floor levels and/or practicable and easy relocation.

There may be some situations where the modification of natural hazard processes produces benefits to the community in excess of the costs involved in protection or prevention works or programmes. Consideration should be given to the relocation of existing development and infrastructure away from areas susceptible to significant natural hazard risk, particularly where the environmental costs resulting from protection works exceed the benefits, which would result. In general terms, risk takers should themselves carry that risk. Similarly, those who benefit from the works or services should bear the cost.

Informing people of the risks from natural hazards – including the ways to avoid or minimise such risks, and how to be prepared for natural hazards events – is a critical and ongoing requirement. Such information includes education about how to minimise the risks when planning subdivision and development. Adequate information, therefore, needs to be disseminated to the community, in conjunction with those other authorities with responsibilities for natural hazards management and response.

Methods of Implementation

The methods of implementation include:

District Plan

- Identification of areas subject to significant risk from the adverse effects of natural hazards in the District Plan (Coastal Protection Area, Flood Hazard Area). Areas are updated when new or improved information becomes available.
- District Plan rules and performance standards to control the location of subdivision, land use and development in identified hazard risk areas including when the subdivision and development could worsen the risk of occurrence or severity of hazards.

- Assessment of environmental effects through the resource consent process for proposals involving inappropriate land use or activities in hazard risk areas or those not meeting performance standards.
- Conditions on resource consents to avoid or reduce the potential risks from natural hazards, for example the siting of structures, requirements on the design of foundations, separation distances for buildings in areas subject to significant flooding risk.
- Where there are significant risks from natural hazards (erosion, falling debris, subsidence, slippage or inundation) that have not yet been identified in the District Plan, control subdivision in these areas if the subsequent use is likely to accelerate, worsen or result in material damage to the land or structure through Section 106 of the RMA: Consent authority may refuse subdivision consent in certain circumstances.
- Co-ordination and liaison with Taranaki Regional Council, particularly regarding data gathering and analysis of natural hazards.
- Promote the use of guidelines for development and activities in identified hazard risk areas.

Building Controls

- Apply Section 71 and 72 of the [Building Act 2004](#) to control inappropriate development of land subject to natural hazards, including where the building itself is likely to accelerate, worsen, or result in erosion, falling debris, subsidence, inundation or slippage of that land or any other property. Also, the standards specified in the Building Act for geotechnical requirements, seismic design and fire protection will be imposed, as well as Section 36 registrations (for construction of buildings on land subject to natural hazards).

Monitoring

- Use of information describing hazards affecting South Taranaki as it comes available from other agencies (particularly from Taranaki Regional Council).
- Cooperate with the monitoring and investigation studies undertaken by other agencies including Taranaki Regional Council.

Collection and Provision of Information

- Refer to existing available information on hazards for resource consent applicants, including the NIWA report (2012), [Coastal stability in the South Taranaki Bight – Phase 1: Historical and present day shoreline change](#), and the Taranaki Regional Council Report (2006), [Reducing the Risk: Proposed River Clearance and Maintenance Programme for the Waitotara Catchment](#) for inappropriate land use and activities in Natural Hazard risk areas. The Council will require new hazard risk assessments for certain activities or applications where necessary.
- Develop and maintain information, undertake data gathering and analysis of hazard risks in coordination with Taranaki Regional Council.
- Make information available to the public that helps to raise awareness and educate people about the risks of all natural hazards. For example, the [Civil Defence Emergency Management Group Plan for Taranaki](#) (2012) provides a summary of all natural hazards in the region, and emergency management provisions including planning and preparation to reduce, respond and recover from adverse natural hazard events.
- Make available to the public, through Project Information Memoranda (PIMs), Land Information Memoranda (LIMs) and individual enquiries, information about natural hazards held by the Council.

Section 2.20 Temporary Activities

Issue

- 2.20.1** Temporary activities have positive social, cultural and economic impacts and encourage vibrancy and diversity within the community. However temporary activities can have adverse effects on residents and the environment such as noise, traffic, recreation, heritage, cultural and visual effects.

Temporary activities are part of the life of the District. Temporary events are varied in nature and scale; they could be one-off events or regular occurrences which are planned well in advance. These activities include events such as A and P shows, community events, charity events such as fun runs, fairs and fetes as well as temporary military training activities. Events and temporary activities make a contribution to the economic, social and cultural wellbeing and help create a vibrant and diverse district.

In addition, temporary activities include construction activities which can involve temporary structures such as site offices and cranes near roads, and generate various adverse effects including unusually heavy traffic movements.

The temporary nature of the activities generally makes any adverse effects more acceptable to the community. Consequently, many events and temporary activities of short duration are tolerated by those affected while others enjoy what the event has to offer. Notwithstanding this, this tolerance can be exceeded due to activities occurring for a prolonged period or the intensive concentration of significant effects.

Objective

- 2.20.2** Provide for temporary activities that contribute to the economic, cultural and social wellbeing and vibrancy and diversity of the district, whilst managing effects on public safety and the quality of the environment.

Policy

- 2.20.3** To provide for temporary activities, including temporary military training activities, while managing their effects on amenity and character of the surrounding environment, effects on public health and safety, and effects on the safe and efficient functioning of transport networks through the use of rules and standards by managing their nature, scale, location and duration.

Explanation of Policies

Events bring in visitors and significant economic, social and cultural benefits to the district. The adverse effects of events and temporary activities are usually mitigated by their infrequent nature, short duration, limited scale and their social, cultural and economic benefits. Therefore, a degree of flexibility is provided in the rules and standards for the operation of temporary activities. However, it is important to manage events and temporary activities that generate significant adverse effects on the environment. Specifically, temporary activities can result in adverse effects on amenity values where located in or close to sensitive areas, such as residential areas. For this reason some events and temporary activities will require resource consent when they exceed a certain scale or threshold of effects, which are defined by standards.

Methods of Implementation

The methods of implementation include:

- Rules and performance standards to control the scale, location, frequency and duration of temporary activities, relative to the level of acceptance of types of temporary activities across different zones of the District.
- Conditions on resource consents to manage adverse amenity, nuisance, and safety and traffic effects of temporary activities.

Section 2.21 Relocated Buildings

Issue

- 2.21.1 Relocating buildings is an efficient use of resources but they can be unsightly and detract from the visual amenity of an area if they are not reinstated and repaired in a timely manner.**

Relocated buildings represent sustainable development as they result in the re-use of materials rather than recycling, which may require some form of processing, or sending materials to landfill. Furthermore relocated buildings provide an affordable housing choice for some. The Council supports the relocation of buildings providing that adverse effects on the quality of the environment can be avoided, remedied or mitigated.

The relocation of buildings in the District is a common practice but has caused some tension in the community. This tension has arisen because relocated buildings tend to be older buildings that may need some repair and they are being relocated onto sites but not re-instated to a standard anticipated by the community. For example, houses are left on blocks rather than foundations and are left unpainted or without driveways.

Objective

- 2.21.2 Maintain and enhance the amenity values of areas by ensuring relocated buildings avoid, remedy or mitigate their adverse effects.**

Policy

- 2.21.3 Provide for the relocation of buildings while requiring the completion of exterior reinstatement and repair works within a reasonable timeframe to avoid, remedy or mitigate their adverse effects.**

Explanation of Policy

The policy supports the relocation of buildings in the District provided that effects on the environment can be managed so as to not adversely affect amenity values and character, particularly in the Residential Zone. Relocated buildings are an important element of affordable housing and resource efficiency. However they can, if not properly established on sites, generate adverse effects as they can look unfinished for long periods of time.

The Council manages the relocation of buildings by way of rules and performance standards to maintain the quality of the environment.

Methods of Implementation

The methods of implementation include:

- Rules which permit relocated buildings subject to performance standards relating to previous use, foundations, and a performance bond and owner certification to maintain and enhance amenity values.
- Assessment of environmental effects through the resource consent process for proposals that are not permitted, because of non-compliance with performance standards. Use of conditions on resource consents to control the effects of relocated buildings.
- The provisions of the [Building Act 2004](#) and New Zealand Building Code to manage the structural integrity and habitable and occupancy requirements for relocated buildings.

Section 2.22 Signs

Issue

2.22.1 Signs perform an important function of advertising, providing information and directing people, but can detract from visual amenity and create traffic safety issues.

Signage is a necessary tool. In commercial and industrial areas, signs are used to advertise the location of, and services offered by businesses. In the residential and rural areas, signage enables properties to display their name or street number, and in some cases the location of a home occupation. In fact most activities require signs to advertise their location to the public including, schools, educational facilities, parks, sports fields, hospitals, doctors and community halls.

Other activities such as community or recreational events, elections, the sale of property or work being undertaken on a site also generate a need for signage. However, such signage is anticipated to be temporary in nature. There is also directional and safety signage required by statute on local roads and state highways; these are managed by the roading authority rather than through the District Plan.

All signage has the potential to generate adverse effects on the environment, particularly in residential areas where a higher level of amenity is anticipated than in commercial and industrial areas. Effects are often related to size, location and design, or clutter (i.e. a number of signs located in close proximity). Colour can also be an issue but it is not controlled by the District Plan as effectively the colour of a building could be considered a sign (e.g. Mitre 10 orange). Conversely, some people may consider that signage adds to the character of an area or are accepting of a reasonable number of signs, particularly in commercial and industrial zones.

Signs that are lit, flashing or animated can generate specific nuisance effects if they are located adjacent to or visible from residential properties. In the Rural Zone such signs can, in proliferation, obscure the view of the night sky, which is often a valued amenity in the Rural Zone.

Objective

2.22.2 Recognise and provide for signage that meets the needs of the community and businesses whilst managing effects on public safety and the quality of the environment.

Policies

- 2.22.3** To provide for signs, including temporary signs, ensuring that these do not detract from the visual amenity and character of the surrounding environment (including historic heritage values), and /or impact on traffic safety through the use of rules and standards that manage size, location and design.
- 2.22.4** Avoid visual clutter and the proliferation of signage by restricting the establishment of signage that is not associated with, or does not relate to, the site in which the sign is located.

Explanation of Policies

Signs are an integral part of the environment providing information, directing traffic and providing for the safety of people using the roading network. Standards that are applied on the location, size and nature of signs are considered essential to protect amenity values and the quality of the environment (including historic heritage values), and to provide for public health and safety.

In the Rural Zone signs can adversely affect the open, spacious character of the Zone, whilst in the Residential Zones and on residential sites in the Township Zone, residential character can be adversely impacted by large or numerous signs. It is intended to manage such effects through minimum setbacks from road boundaries and separation distances between signs.

In the Commercial and Industrial Zones and on commercial and industrial sites in the Township Zone, signs are more likely to be accepted given the nature of activities occurring in these zones. However, signs still need to be controlled in terms of their size and location to manage effects on road safety and amenity values.

No lit, animated or flashing signs are provided for as permitted activities within the District given the potential for adverse effects on road safety and amenity values, particularly on residential sites. Signs in road reserve can also generate effects on road safety by causing a distraction to drivers and becoming a hazard in the event of an accident. However, these signs are managed by the roading authority.

Methods of Implementation

The methods of implementation include:

- Rules and performance standards to control the size, location and design of signage, relative to the level of acceptance of types of signage across different zones of the District.
- Conditions on resource consents to ensure that adverse visual, nuisance or safety effects of signage are avoided, remedied or mitigated.
- Bylaw to manage signs in public spaces (road reserve and Council reserves).
- For signs located on road reserve or within the rail corridor, written approval from the requiring authority under Section 176 of the RMA.



APPENDIX 1.3 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
- The recommended changes in response to submissions are shown with blue underline for new text and ~~blue strikethrough~~ for deleted text.

SECTION 3: RURAL ZONE RULES

3.1 CATEGORIES OF ACTIVITIES

3.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Rural Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 3.2 and all other Sections of the District Plan:

- (a) Farming and intensive farming activities.
- (b) Rural service activities.
- (c) Residential activities.
- (d) Home occupations.
- (e) Marae.
- (f) ~~Papakainga development~~¹ on land held under Te Ture Whenua Māori Act 1993.
- (g) Community activities.
- (h) Open space.
- (i) Operation and use of existing camping grounds/motor camps.
- (j) Home-based childcare service.
- (k) Home based visitor accommodation.
- (l) Holiday homes.
- (m) Forestry planting, forestry maintenance, and forestry harvesting.
- (n) Aggregate/soil extraction.

¹ S7.2 and S7.20



- (o) Airport operations and development at Hāwera Aerodrome.
- (p) Within land administered by the Department of Conservation:
- (q) Construction, maintenance and removal of accommodation (huts) and toilets, visitor information signs, staff accommodation, information centres, and storage sheds.
- (r) Commercial guiding and outdoor recreation activities.
- (s) Species protection and conservation management work, including restoration and re-vegetation work.
- (t) Control of pest plants and animal pests.
- (u) Within the Parihaka Cultural Area:
 - (i) Education and childcare facilities (including Kohanga Reo and Kura Kaupapa).
 - (ii) Farmers and craft markets.
 - (iii) Papakainga housing².
 - (iv) Marae.
 - (v) Residential care facilities.
 - (vi) Community facilities.
 - (vii) Retail activities.
 - (viii) Tourism information and museum activities.
 - (ix) Temporary activities.
 - (x) Small-scale renewable electricity generation.
 - (xi) Community wastewater treatment system.
 - (xii) Car parks.
- (v) Stock loading and unloading facilities.
- (w) Recreational vehicles or other easily moveable buildings, such as caravans, and motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
- (x) Activities on the surface of any waterbody.
- (y) Earthworks within the National Grid Yard.
- (z) Buildings and structures within the National Grid Yard.
- (aa) The construction, alteration of, addition to, removal and demolition of buildings and structures for any permitted activity.
- (bb) Landfarming.

Note: For activities occurring within 30 m of a Gas Pipeline as shown on the Planning Maps, consultation with Vector Gas Limited should be undertaken.

² S7.2 and S7.20



3.1.2 CONTROLLED ACTIVITIES

The following activity is a controlled activity in the Rural Zone:

- (a) The keeping of goats within two (2) kilometres of Egmont National Park and the contiguous areas of land administered by the Department of Conservation as shown the Planning Maps.

Matters over which the Council reserves its control:

- (i) Potential adverse effects on significant indigenous vegetation and habitat.
- (ii) The suitability of fencing for effectively containing goats within the property, having regard to both the fencing standards in [Rural Zone Appendix 2] and nature of the terrain.
- (iii) Annual inspection of fences by the consent holder and reporting to the Council.
- (iv) Annual reporting of stock numbers to the Council by the consent holder.
- (v) Procedures for reporting of breaches of the fence and escapes to Council and the Department of Conservation.
- (vi) Robust identification of stock.
- (vii) Methods of disposal of stock if farming ceases.

Notification Statement

Where an activity requires resource consent solely because of this rule, then the application does not need to be publicly notified but must be served on the Department of Conservation who will be considered an affected person.

Note: Deer farming within 7km of Egmont National Park is prohibited by Gazette Notice #5, 2008.

- (b) [Papakāinga developments³ on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.](#)

[Matters to which the Council restricts its control:](#)

- (i) [Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard\(s\) that is not met.](#)
- (ii) [Effects on character and amenity values.](#)
- (iii) [Measures proposed to avoid or mitigate potential reverse sensitivity effects.](#)
- (iv) [Connection to services.](#)
- (v) [In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.](#)

3.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Rural Zone:

³ S7.2 and S7.20



- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 3.1.1 which does not meet one or more of the performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.
- (b) Any activity that will generate unusual heavy vehicle traffic.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating the effects of the increase in heavy vehicle movements beyond the boundary of the site.
 - (ii) Road safety, maintenance and upgrades.
 - (iii) Dust.
 - (iv) Noise.
 - (v) Hours of operation.
 - (vi) Heavy vehicle traffic routes.
 - (vii) Access.
 - (viii) Whether a review condition is necessary.
 - (ix) Financial contributions.
- (c) Industrial activities occupying existing buildings.

Matters to which the Council restricts its discretion:

- (i) Location.
 - (ii) Landscaping.
 - (iii) Appearance.
 - (iv) Heavy vehicle movements.
 - (v) Financial contributions.
- (d) Forestry planting which does not meet one or more of the performance standards in Section 3.2.9.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular standard(s) that is not met.
 - (ii) Shading and landscaping.
 - (iii) Effects on adjacent properties.
- (e) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for residential housing for more than six (6) months within a calendar year.

Matters to which the Council restricts its discretion:

- (i) Duration of use.



- (ii) Effects on the surrounding character and amenity values.
 - (iii) Location.
 - (iv) Appearance.
 - (v) Landscaping.
 - (vi) Connection to services.
 - (vii) Proximity to public amenities (parks, beaches).
- (f) Activities on surface of rivers and lakes which cannot meet one or more of the performance standards for permitted activities.

Matters to which the Council restricts its discretion:

- (i) Protection of natural character, conservation, ecological, amenity, heritage and cultural values.
 - (ii) Compliance with relevant statutes, regulations and licences.
 - (iii) Nature and scale of the activity.
 - (iv) Noise.
 - (v) Access.
- (g) Any childcare facility that provides for more than 4 children and up to a maximum of 30 children.

Matters to which the Council restricts its discretion:

- (i) Effects on character and amenity values.
 - (ii) Location and characteristics of the site.
 - (iii) Traffic effects.
 - (iv) Parking effects.
 - (v) Noise.
- (h) Within 50m of the natural waterbody of a river or stream listed for Natural Hazard values in Schedule 5, the construction or addition to any building.

Matters to which the Council restricts its discretion:

- (i) Risks from natural hazards and to public health and safety, including whether the activity would accelerate or worsen natural hazard risks.
 - (ii) Building location, design, floor level and ability to be relocated.
 - (iii) Changes to existing land contour and site reinstatement.
 - (iv) Potential to displace floodwaters onto adjoining properties and associated site drainage.
 - (v) Sewage disposal.
 - (vi) Effects on recreational values, public access and the natural and conservation values of the Significant Waterbody.
- (i) Within 30m of the natural waterbody of any river or stream listed in Schedule 5 with values other than natural hazards, the construction or addition to any building.



Matters to which the Council restricts its discretion:

- (i) Effects of the proposed building on the values for which the significant waterbody has been identified in Schedule 5.
- (ii) Building location and design.
- (iii) Changes to existing land contour and site reinstatement.
- (iv) Potential to displace floodwaters onto adjoining properties and associated site drainage.
- (j) Any building within 500m of the Significant Waterbody of Lake Rotorangi, except for any buildings for the Pātea Hydro Scheme, Lake Rotorangi Campground or Hāwera Water Ski Club (500m setback is shown on the map in Natural Environment Appendix 1).

Matters to which the Council restricts its discretion:

- (i) Effects on natural character and landscape values, visual amenity, recreational values, cultural values, and quality of the environment.
- (k) Within the National Grid Yard, any earthworks and/or aggregate/soil extraction that does not comply with performance standards in Rule 3.2.13.1.

Matters to which the Council restricts its discretion:

- (i) Impacts on the operation, maintenance, upgrade and development of the National Grid.
- (ii) Compliance with NZECP34:2001.
- (iii) Technical advice provided by Transpower.
- (iv) The risk to the structural integrity of the National Grid.
- (v) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.
- (vi) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- (l) Any building within 20m of the secured yard of a National Grid substation.

Matters to which the Council restricts its discretion:

- (i) The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation.
- (ii) The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.
- (iii) The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation.
- (iv) Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.
- (v) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- (m) Additions to existing noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).

Matters to which the Council restricts its discretion:

- (i) The nature, size and scale of the proposed development.
 - (ii) The internal noise environment of the proposed addition.
 - (iii) The effects on the safe and efficient functioning and operation of Hāwera Aerodrome.
- (n) Any building or aggregate/soil extraction within 100m of the Pātea River.

Matters to which the Council restricts its discretion:

- (i) Effects on the cultural values and the relationship of Māori and their culture and traditions with the Pātea River.
 - (ii) Effects on public access, recreational values, natural character, landscape values, and visual amenity.
- (o) Papakāinga developments⁴ on general title land that comply with the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land that the land is ancestral land⁵.
- (ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land, that the land is ancestral land⁶.
 - (b) Any other matter related to tikanga Māori.
- (p) Papakāinga developments⁷ on general title land that do not comply with one or more of the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.
- (iv) Connection to services.

⁴ S7.2 and S7.20

⁵ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁶ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁷ S7.2 and S7.20

- (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

In relation to papakāinga-developments⁸ on general title land are the additional matters of discretion:

- (vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land that the land is ancestral land⁹.
- (vii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; that the land is ancestral land¹⁰.
- (b) Any other matter related to tikanga Māori.

3.1.4 DISCRETIONARY ACTIVITIES

- (a) Aggregate/Soil Extraction which does not meet one or more of the performance standards in Section 3.2.10, except within the National Grid Yard (refer Rule 3.1.3(k) or Rule 3.1.5(c)(vi)) or in the Coastal Protection Area (refer Rule 17.1.5(a)(i)).
- (b) Any industrial activity, other than those in existing buildings (refer Rule 3.1.3(c)).
- (c) Community activities which do not meet one or more Permitted Activity performance standards.
- (d) Any community activity designed to accommodate a maximum occupancy of more than 100 people within a building(s).
- (e) New camping grounds/motor camps or upgrades to existing camping grounds/motor camps.
- (f) Any childcare facility which provides for more than 30 children.
- (g) Commercial activities.
- (h) Entertainment activities.
- (i) Visitor accommodation
- (j) Wastewater treatment facilities.
- (k) Private function centres/facilities.
- (l) Any retail activity which occupies 500m² or less gross floor area.

⁸ S7.2 and S7.20

⁹ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

¹⁰ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1



- (m) Any additions or alterations of habitable rooms up to 20% of GFA to existing sensitive activity which is either:

- (i) within a Petroleum Activity Risk Contour shown on the Planning Maps, or
- (ii) within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

The GFA to be at the date the District Plan is made operative.

- (n) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

3.1.5 NON-COMPLYING ACTIVITIES

- (a) Any retail activity which occupies more than 500m² gross floor area.
- (b) New noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).
- (c) Within the National Grid Yard:
 - (i) Any new building or addition to an existing building for a sensitive activity.
 - (ii) Any change of use to a sensitive activity or the establishment of a new sensitive activity.
 - (iii) Dairy/milking sheds or buildings (excluding associated ancillary structures) intensive farm buildings, *Pseudomonas syringae* pv. *actinidiae* (PSA) structures, and commercial greenhouses.
 - (iv) Note: PSA is a bacterium that can result in the death of kiwifruit vines.
 - (v) Significant hazardous facilities.
 - (vi) Any building or structure not permitted by Rule 3.1.1 (z).
 - (vii) Earthworks and/or aggregate/soil extraction that does not comply with performance standards in Rule 3.2.13, points (b) or (c).
- (d) Any new sensitive activity within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.
- (e) Any new sensitive activity within a Petroleum Exploration or Petroleum Production Activity Risk Contour shown on the Planning Maps.
- (f) Any additions or alterations of habitable rooms 20% or greater of GFA to existing sensitive activity which is either:
 - (i) within a Petroleum Exploration or Petroleum Production Activity Risk Contour shown on the Planning Maps; or
 - (ii) within 250m of a well-site or 650m of a petroleum production station/gas treatment plant which does not have a Petroleum Activity Risk Contour shown on the Planning Maps.

The GFA to be at the date the District Plan is made operative.

3.1.6 PROHIBITED ACTIVITIES

None.

3.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

The following performance standards shall apply to all permitted activities:

3.2.1 Number of Dwelling Units

- (a) The maximum number of dwellings units per site shall be:
- (i) One dwelling unit per site under 20 hectares.
 - (ii) Two dwelling units per site between 20 – 40 hectares.
 - (iii) Three dwelling units per site between 40 – 60 hectares.
 - (iv) Four dwelling units per site over 60 hectares.

Except that:

- (v) Papakainga-development¹¹ is exempt from the above maximum number of dwellings units.

3.2.2 Bulk and Location

- (a) Buildings shall comply with the height and location requirements in Table 1.

Table 1: Height and Location Requirements

Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Maximum height	Additional setbacks/requirements
Dwelling unit, home occupation and other sensitive activities	20 m	10 m	10 m	10 m	Minimum setbacks: 300m from intensive farming buildings on any other site under separate ownership. 150m from piggery effluent or human effluent storage and treatment facilities. 150m from any dairy/milking shed, solid and liquid animal storage and treatment facilities or soil or aggregate extraction (e.g. quarries) on any other site not in the same ownership. 40m from the edge of existing plantation forestry on any other site under separate ownership.

¹¹ S7.2 and S7.20



Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Maximum height	Additional setbacks/requirements
					<p>10m from rail corridor boundary.</p> <p>50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5</p> <p>100m from the Pātea River.</p> <p>250m from well-sites which do not have a Petroleum Activity Risk Contour shown on the Planning Maps.</p> <p>For the purposes of this rule, the 250m distance is measured from the source of risk (i.e. location of existing or consented wellheads and/or surface production equipment).</p> <p>Where the source of risk cannot be identified, then the 250m distance is measured from:</p> <ul style="list-style-type: none"> • the security fence; or • if the security fence cannot be identified, the drilling pad for that well-head; or • if the security fence and drilling pad cannot be identified, the property boundary. <p>650m from a petroleum production station/gas treatment plant which does not have a Petroleum Activity Facility Risk Contour shown on the Planning Maps.</p> <p>For the purposes of this rule, the 650m distance is measured from the security fence within which the hazardous substances are used and stored at the petroleum station/gas treatment plant.</p>
Intensive farming buildings	75 m	75 m	75 m	15 m	<p>Minimum setbacks:</p> <p>300m to any dwelling unit or other sensitive activity on any other site.</p> <p>600m to any Residential, Township or Commercial Zone.</p> <p>50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5</p> <p>100m from the Pātea River.</p>



Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Maximum height	Additional setbacks/requirements
Stock loading and unloading facilities	0 m	0 m	5 m	10 m	Shall be located so that no stock vehicles are located in the formed road when loading or unloading. 10m from rail corridor boundary.
Dairy/Milking Sheds	10 m	10 m	15 m	15 m	150m to any dwelling unit or other sensitive activity on any other site under separate ownership. 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5. 100m from the Pātea River.
Farm and other buildings	10 m	10 m	5 m	15 m	10m from rail corridor boundary. 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and 30m from all other Significant Waterbodies in Schedule 5. 100m from the Pātea River.

- (b) Buildings shall be contained within a building recession plane from points 3m above site boundaries as shown in Section 4: Residential Zone Appendix 1.

Except that:

- (i) The recession plane shall not apply to road boundaries.
 - (ii) Intensive farm buildings and stock unloading and unloading facilities are exempt from the Building Recession Plane requirements.
- (c) Within the Parihaka Cultural Area, the following standards shall apply to all permitted activities.
- (i) All buildings shall be located no closer than 5m to any road or other boundary.
 - (ii) No part of any building shall extend more than 15m above natural ground level.
 - (iii) The total gross floor area of all retail activities (excluding tourism related activities) within the Parihaka Cultural Area shall not exceed 400m².

Except as provided for above, marae and papakainga development¹² shall comply with the standards set out in Rule 3.2.1.

Note: All buildings within the Parihaka Cultural Area are exempt from the performance standards in Section 3.2.1: Number of Dwelling units and the “additional setbacks/requirements” in Rule 3.2.2.1: Bulk and Location.

¹² S7.2 and S7.20



3.2.3 Home Occupations

- (a) The total floor area dedicated to home occupations on a site shall not exceed 50m².

3.2.4 Lighting

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of a site zoned Residential in separate ownership, or at the notional boundary of an existing dwelling unit on a site in separate ownership in the Rural Zone.

3.2.5 Outdoor Storage

- (b) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

3.2.6 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment)).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

3.2.7 Access and Rooding

- (a) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

3.2.8 Flood Hazard Area

- (a) Any new dwelling unit to be located within the Flood Hazard Area shall be designed with a finished floor level above a 0.5% Annual Exceedance Period (1 in 200 year) flood event.

3.2.9 Forestry Planting

- (a) Forestry planting shall comply with the following setbacks:
- (i) 15 m to any road or rail boundary.
 - (ii) 10 m to any site boundary in separate ownership.
 - (iii) 40 m from any existing dwelling unit on a site in separate ownership.



- (b) Forestry planting shall not be planted or allowed to grow in any position which could result in any icing of a road as a result of shading of the road surface between 10.00am and 2.00pm on the shortest day (refer to Rural Zone Appendix 1 for guidance).

Note: If there is a recorded archaeological site within 100 m of the vicinity of the proposed work, or if the presence of an archaeological site is suspected, the operator is advised to contact Heritage New Zealand for further information. Work that may modify or destroy any archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014, separate to the District Plan consent requirements.

3.2.10 Aggregate/Soil Extraction

- (a) Aggregate/Soil Extraction shall comply with the following standards:
- (i) Not exceed 1,000m³ of extracted material within any site per 12 month period.
 - (ii) Setbacks of:
 - (a) 150m from existing dwelling units, home occupations and sensitive activities on sites under separate ownership.
 - (b) 20m from identified heritage building/object in Schedule 1A, historic site or sites of significance to tangata whenua in Schedule 1B.
 - (c) 100m from Significant Natural Areas in Schedule 2.
 - (d) 100m from the Pātea River.
 - (e) 50m from a Significant Waterbody in Schedule 5 identified with natural hazard values, and
 - (f) 30m from all other Significant Waterbodies in Schedule 5.
 - (iii) Not use blasting as a method of exploration or extraction unless a copy of the necessary licence obtained from Worksafe New Zealand has first been submitted to the Council, and at least 48 hours' notice has been given to all property owners and occupiers within a 1 km radius of the blasting site.
 - (iv) Provide landscaping and planting of at least 2 m depth at site boundaries where the extraction area is visible from a public road, public place, or any dwelling unit on a site in separate ownership.
 - (v) Achieve compliance with Performance Standards 3.2.14 Earthworks in the National Grid Yard.
 - (vi) All excavated and disturbed areas shall be progressively rehabilitated (except where otherwise used for permitted activities or provided for by resource consent conditions). Any planting (grass or other vegetation) shall take place as soon as practicable (within the next growing season) following the completion of the excavation activity.

Note: If there is a recorded archaeological site within 100 m of the vicinity of the proposed work, or if the presence of an archaeological site is suspected, the operator is advised to contact Heritage New Zealand for further information. Work that may modify or destroy any archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014, separate to the District Plan consent requirements.

3.2.11 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.

3.2.12 Activities on Surface of Rivers and Lakes

- (a) Activities on the surface of waterbodies:
 - (i) Shall be moored on the surface of a waterbody for less than a 12 month period, and shall dispose of all effluent onshore.
 - (ii) Shall not be commercial activities.
 - (iii) Shall comply with the maximum noise standards for the Rural Zone.

Note:

 - (iv) Noise from motorcraft on waterbodies are exempt from the Noise standards in Section 11.
 - (v) The Taranaki Regional Council Freshwater Plan manages all structures in, on, or under the beds of rivers and lakes, and the damming or diversion of any water.

3.2.13 Earthworks in the National Grid Yard

- (a) Earthworks shall be no deeper than 300mm within 12m of any National Grid support structure foundation.
 Except that vertical holes not exceeding 500mm in diameter are exempt, provided they:
 - (i) Are for a rural fence; and
 - (ii) Are at least 5m from the visible outer edge of a National Grid support structure foundation.
- (b) Earthworks and agricultural cultivation shall not compromise the stability of a National Grid support structure.
- (c) Earthworks and agricultural cultivation shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP 34:2001 (Working near Power Lines).

The following are exempt from point 1 above:

- (i) Earthworks undertaken by a network utility operator (complying with NZECP 34:2001).
- (ii) Earthworks undertaken as part of normal rural cultivation, or repair, sealing or resealing of a road (including a farm track), footpath, or driveway.
- (iii) Earthworks that comply with the requirements in Clause 2.2.3 of the NZECP34:2001.



Note: Aggregate/Soil Extraction activities shall also comply with Performance Standards 3.2.14 Earthworks in the National Grid Yard.



3.2.14 Buildings and Structures in the National Grid Yard

Under the National Grid Conductors (wires)

- (a) All sites within any part of the National Grid Yard, buildings and structures shall:
 - (i) If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur, or
 - (ii) Be a fence which is either:
 - (a) Less than 2.5m high and at least 5 m from the nearest support structure.
 - (b) Located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of the NZECP 34:2001 (Working near Power Lines); or
 - (iii) Be a network utility (excluding buildings and structures for dams and irrigation schemes)
 - (iv) Be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed (excluding ancillary structures), *Pseudomonas syringae* pv. *actinidiae* (PSA) Structures, or intensive farming buildings); or

Note: PSA is a bacterium that can result in the death of kiwifruit vines.
 - (v) Be an uninhabited horticultural building or structure other than a commercial greenhouse or intensive farming building.
- (b) All buildings or structures permitted by point 1 above shall comply with at least one of the following standards:
 - (i) A minimum vertical clearance of 10 m below the lowest point of the conductor associated with National Grid lines; or
 - (ii) Demonstrate that safe electrical clearance distances required by NZECP 34:2001 (Working near Power Lines) are maintained under all National Grid line operating conditions.

Around National Grid Support structures

- (c) Buildings and structures shall be at least 12m from a National Grid support structure unless it is a:
 - (i) Network utility (excluding buildings and structures for dams or irrigation); or
 - (ii) A fence which is either:
 - (a) Less than 2.5m high and at least 5m from the nearest support structure; or
 - (b) Located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of the NZECP 34:2001.
 - (iii) Horticultural structure between 8m and 12m from a single pole support structure that:
 - (a) Meets the requirements of the NZECP 34:2001 (Working near Power Lines) for separation distances from the conductor;
 - (b) Is no more than 2.5m high;
 - (c) Is removable or temporary, to allow a clear working space 12 m from the pole when necessary for maintenance and emergency repair purposes; and



- (d) Allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane.
- (iv) A new horticultural structure or uninhabitable farm building or structure (excluding milking/dairy sheds and intensive farming buildings) where Transpower has given written approval in accordance with clause 2.4.1 of NZECP 34:2001 (Working near Power Lines) to be located within 12m of a tower or 8m of a pole support structure.

Advice Notes

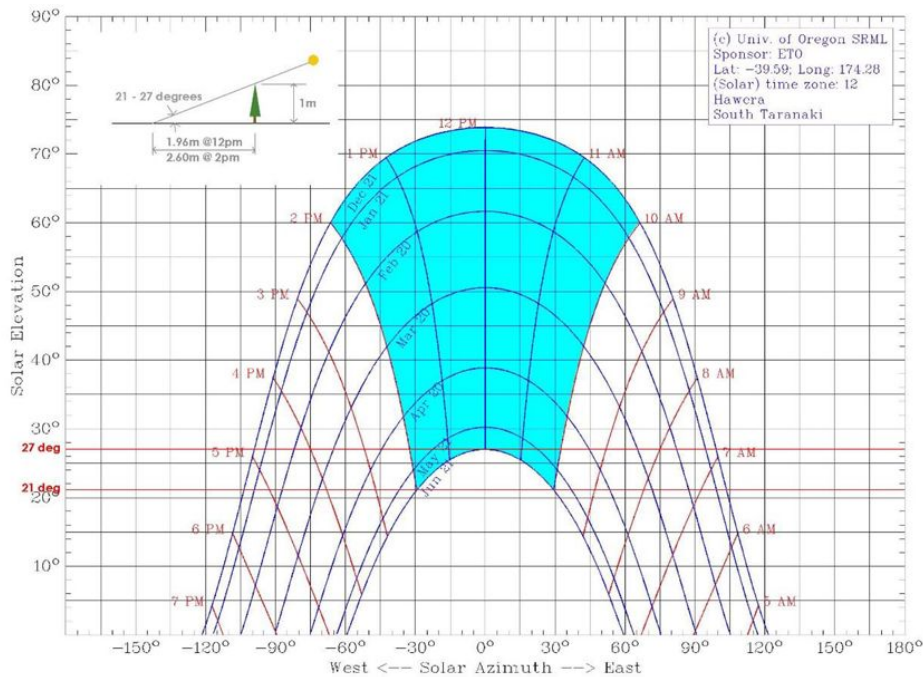
Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to telecommunications and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Notification Statement

Where an activity requires resource consent solely because it is within a National Grid Yard, or within 20m of a National Grid substation then the application need not be publicly notified and need not be served on any affected person apart from Transpower New Zealand Limited who will be considered an affected person.

3.3 Rural Zone Appendix 1: Sunchart for Forestry Planting (Performance Standard 3.2.9)



3.4 Rural Zone Appendix 2: Goat Farming Boundary Fencing Standards

- (a) The keeping of goats within 2km of Egmont National Park and the contiguous areas of land administered by the Department of Conservation shall comply with the following standards:
- (i) All goats shall be contained within areas with fencing erected and maintained in accordance with the following standards:
- (a) Wire post-and-batten fence with no internal or external stays with a minimum of high tensile 2.5mm diameter galvanised steel, and either have:
- Nine wires, with the bottom wire placed no higher than 80mm above ground level and, above that, wires placed at the following intervals: 100, 100, 100m, 110, 120, 135, 150 and 165mm. The top wire should be approximately 50mm below the top of the post; or
 - Seven wires, with the bottom wire barded, and no higher than 80mm above ground level and, above that, wires placed at the following intervals 100, 120, 140, 160, 210 and 250mm. The top wire should be approximately 50mm below the top of the post. An electric wire on an outrigger shall also extend for the full length of the fence.
- (ii) Posts to be at the following intervals:
- (a) Less than 30 degrees ground slope: 5m



- (b) 30 degrees to less than 45 degrees: 4m
- (c) 45 degrees or more: 3m
- (iii) Battens to be at 1m intervals.
- (iv) Fences across water bodies shall require a floodgate to be constructed of H3 treated 100mm x 50mm timber suspended from an overhead wire or rail in such a way that the spacings will allow the passage of water by will not allow stock including goats to pass through. A crossbar shall be positioned in the top third of the floodgate. Wire netting will not be used in floodgate construction. Flood gates across culverted watercourses shall be on the downstream side of the culvert.

APPENDIX 1.4 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
- The recommended changes in response to submissions are shown with blue underline for new text and ~~blue strikethrough~~ for deleted text.

SECTION 4: RESIDENTIAL ZONE RULES

4.1 CATEGORIES OF ACTIVITIES

4.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 4.2 and all other Sections of the District Plan:

- (a) Residential activities.
- (b) Residential care facilities.
- (c) Home occupations.
- (d) Marae.
- (e) ~~Papakainga development~~¹ on land held under Te Ture Whenua Māori Act 1993.
- (f) Community activities.
- (g) Open space.
- (h) Home based childcare service.
- (i) Home based visitor accommodation.
- (j) Holiday homes.
- (k) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
- (l) On Section 42 Carlyle SBRN (30 Victoria Street, Pātea) and Lots 11 – 13 DP 3265 (89 Collins Street, Hāwera), Commercial activities and/or offices.

¹ S7.2 and S7.20

- (m) The construction, alteration of, addition to, removal and demolition buildings and structures for any permitted activity.

4.1.2 CONTROLLED ACTIVITIES

~~None.~~

- (a) Papakāinga developments² on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).

Matters to which the Council restricts its control:

- (i) Site Layout.
- (ii) Scale and design of buildings.
- (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Access, extent of impervious surfaces and landscaping.

4.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Residential Zone, provided activities comply with all relevant Restricted Discretionary Activity Performance Standards in Section 4.3:

- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 4.1.1, which does not comply with one or more of the performance standards in Section 4.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.
- (b) Dwelling units which do not comply with one or more of the permitted activity performance standards for net site area (Rule 4.2.1.1), bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or parking and access requirements (Rule 4.2.9).

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:
 - (i) Site Layout.
 - (ii) Scale and design of buildings.
 - (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
 - (iv) Location, function and amenity of on-site open space.

² S7.2 and S7.20



- (v) Parking, access, extent of impervious surfaces and landscaping.
- (c) Housing for the Elderly where the net site area per dwelling unit is, at minimum, 280m².

Matters to which Council restricts its discretion:

- (i) Site Layout.
- (ii) Scale and design of buildings.
- (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Parking, access, extent of impervious surfaces and landscaping.
- (vi) Effects from the construction and operation of any medical, recreational, communal and staff facilities associated with the development.
- (d) Any childcare facility up to a maximum of 30 children.

Matters to the Council restricts its discretion:

- (i) Effects on residential character and amenity values
- (ii) Location and characteristics of the site.
- (iii) Traffic effects.
- (iv) Parking effects.
- (v) Noise.
- (e) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for residential housing for more than six (6) months within a calendar year.

Matters to which the Council restricts its discretion:

- (i) Duration of use.
- (ii) Effects on the surrounding residential character and amenity values.
- (iii) Location.
- (iv) Appearance.
- (v) Landscaping.
- (vi) Connection to services.
- (vii) Proximity to public amenities (parks, beaches).

- (f) Papakāinga developments³ on general title land that comply with the permitted activity performance standards in Section 4.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land that the land is ancestral land⁴.

³ S7.2 and S7.20

⁴ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

- (ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a ~~whakapapa or ancestral connection to the land;~~ that the land is ancestral land⁵.
- (b) Any other matter related to tikanga Māori.
- (g) Papakāinga ~~developments~~⁶ on general title land that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met. Matters include:

- (i) Site Layout.
- (ii) Scale and design of buildings.
- (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Access, extent of impervious surfaces and landscaping.
- (ii) Effects on residential character and amenity values.
- (iii) Connections to services.

In relation to papakāinga ~~developments~~⁷ on general title land are the additional matters of discretion:

- (iv) Whether the applicant has demonstrated ~~their whakapapa or ancestral connection to the land;~~ that the land is ancestral land⁸.
- (v) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

⁵ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁶ S7.2 and S7.20

⁷ S7.2 and S7.20

⁸ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1



(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; that the land is ancestral land⁹.

(b) Any other matter related to tikanga Māori.

4.1.4 DISCRETIONARY ACTIVITIES

- (a) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.
- (b) Any childcare facility which provides for more than 30 children.
- (c) Commercial activities.
- (d) Entertainment activities.
- (e) Retail activities under 100m² in gross floor area.
- (f) Visitor accommodation.
- (g) Camping grounds/motor camps.
- (h) Education facilities.
- (i) Emergency facilities.
- (j) Health care services.
- (k) Private function centres/facilities.

4.1.5 NON-COMPLYING ACTIVITIES

- (a) Any activity which occupies a gross floor area of more than 1,000m².
- (b) Waste disposal facility and water and sewerage treatment plants.
- (c) Retail activities occupying 100m² or more in gross floor area.
- (d) Industrial activities, excluding panel beating and spray painting businesses.

4.1.6 PROHIBITED ACTIVITIES

- (a) Panel beating businesses.
- (b) Spray painting businesses.

NOTE: The above Prohibited Activities are not allowed under any circumstances, and only a Change to the District Plan itself can change this rule.

⁹ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1



4.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

4.2.1 Net Site Area

- (a) Each dwelling unit shall have a minimum net site area of:
- (i) 400m² outside the intensification area shown on the Planning Maps.
 - (ii) 300m² within the intensification area shown on the Planning Maps.

Except that:

- (iii) Papakāinga development¹⁰ is exempt from the above net site area performance standards set out in 4.2.1(a)(i) and (ii).

4.2.2 Bulk and Location

- (a) Yards: Buildings shall be located no closer than:
- (i) 4.5m to a road boundary outside the intensification area shown on the Planning Maps;
 - (ii) 3m to a road boundary within the intensification area shown on the Planning Maps
 - (iii) 3m to a rail boundary; and
 - (iv) 1.5m to any other site boundary
 - (v) On Section 42 Carlyle SBRN (30 Victoria Street, Pātea) new buildings shall be located no closer than 10 metres to any site boundary.

Except that yards shall not apply to the following:

- (vi) Eaves (up to 600mm) of any roof, balcony, gutter or downpipe.
 - (vii) Buildings which have a common wall along a boundary.
 - (viii) A 5m long vehicle standing space shall be provided between the road boundary and any structure housing a vehicle, where the vehicle takes direct access to the structure from the road.
 - (ix) No building setback to boundaries with another site shall be applied where buildings on the adjoining site has a common wall along an internal boundary.
- (b) Separation Distance: Where more than one dwelling unit is located on a site:
- (i) No detached dwelling unit shall be located closer than 3m from any other detached dwelling unit.
 - (ii) No more than two dwelling units shall share a common side wall.
- (c) Building Recession Plane: Buildings and accessory buildings shall not project beyond the building recession plane from points 3m above site boundaries as shown in Residential Zone Appendix 1.

¹⁰ S7.2 and S7.20

Except that:

- (i) The recession plane shall not apply to road boundaries.
 - (ii) Buildings on adjoining sites have a common wall along an internal boundary, no recession plane shall be applied along that part of the boundary covered by such a wall.
 - (iii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.
- (d) Maximum Building Height: No part of any building or accessory building may extend more than 8m above natural ground level.

Except that:

- (i) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.
- (e) Building Site Coverage: The proportion of a site, when viewed in plan, which is covered by buildings or parts of buildings or accessory buildings, shall not exceed:
- (i) Outside the intensification area shown on the Planning Maps: 40%.
 - (ii) Within the intensification area shown on the Planning Maps: 50%.
 - (iii) For any Open Space: 5%.

4.2.3 Private Outdoor Living Area

- (f) All dwelling units shall have a private outdoor living area which complies with the Table 1 below:

Table 1: Private Outdoor Living Areas

Type of Dwelling Unit	Intersecting Road Type (distances in metres)		
	Minimum Area	Minimum Dimension	Urban
Orientation/Other Matters			
Outside Intensification Area Shown on the Planning Maps			
Ground Floor Dwelling Units	20m ²	2.5m diameter circle	Directly access from the main living area and kept free of buildings, access (including driveways and manoeuvring areas), parking spaces and dedicated utility spaces.
Upper Floor Dwelling Units	15m ²	2.5m diameter circle	Directly access from the main living area and kept free of access to other dwelling units and dedicated utility spaces.
Outside Intensification Area Shown on the Planning Maps			
Minor Dwelling Units	10m ²	2.5m diameter circle	East, West or North
All Other Dwelling Units	50m ²	4m diameter circle	East, West or North



4.2.4 Subdivision

- (a) Where more than one dwelling unit (other than a minor dwelling unit) is located on a site, they shall be located so that a subdivision could be undertaken for each dwelling unit that would achieve compliance with the requirements for a Controlled Activity subdivision in Section 9.

4.2.5 Home Occupations

- (a) The total floor area dedicated to home occupations on a site shall not exceed 50m².

4.2.6 Lighting

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of any site zoned Residential in separate ownership.

4.2.7 Outdoor Storage

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

4.2.8 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

4.2.9 Access and Rooding

- (a) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

4.2.10 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the telecommunication and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Where works are proposed near any electrical line, individuals are advised to contact the line operator to discuss the works.

4.3 PERFORMANCE STANDARDS – RESTRICTED DISCRETIONARY ACTIVITIES

4.3.1 Net Site Area

- (a) Outside the intensification area shown on the Planning Maps, each dwelling unit shall have a minimum net site area of 350m².

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3 (b), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.3.2 Housing for the Elderly

- (a) Housing for the Elderly provided for in Rule 4.1.3 (c) shall comply with all the relevant permitted activity performance standards in Rule 4.2, except for the following standards:
- (i) Net Site Area standards set out in Rule 4.2.1
 - (ii) Road boundary yard setback in Rule 4.2.2.(a), and
 - (iii) Private Outdoor Living Area standards set out in Rule 4.2.3.
- (b) All buildings shall be setback 3m from the road boundary.
- (c) The maximum occupancy for any associated medical, recreational or other communal facilities shall be 20 persons, excluding staff.

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3(c), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).



4.3.3 Childcare Facilities

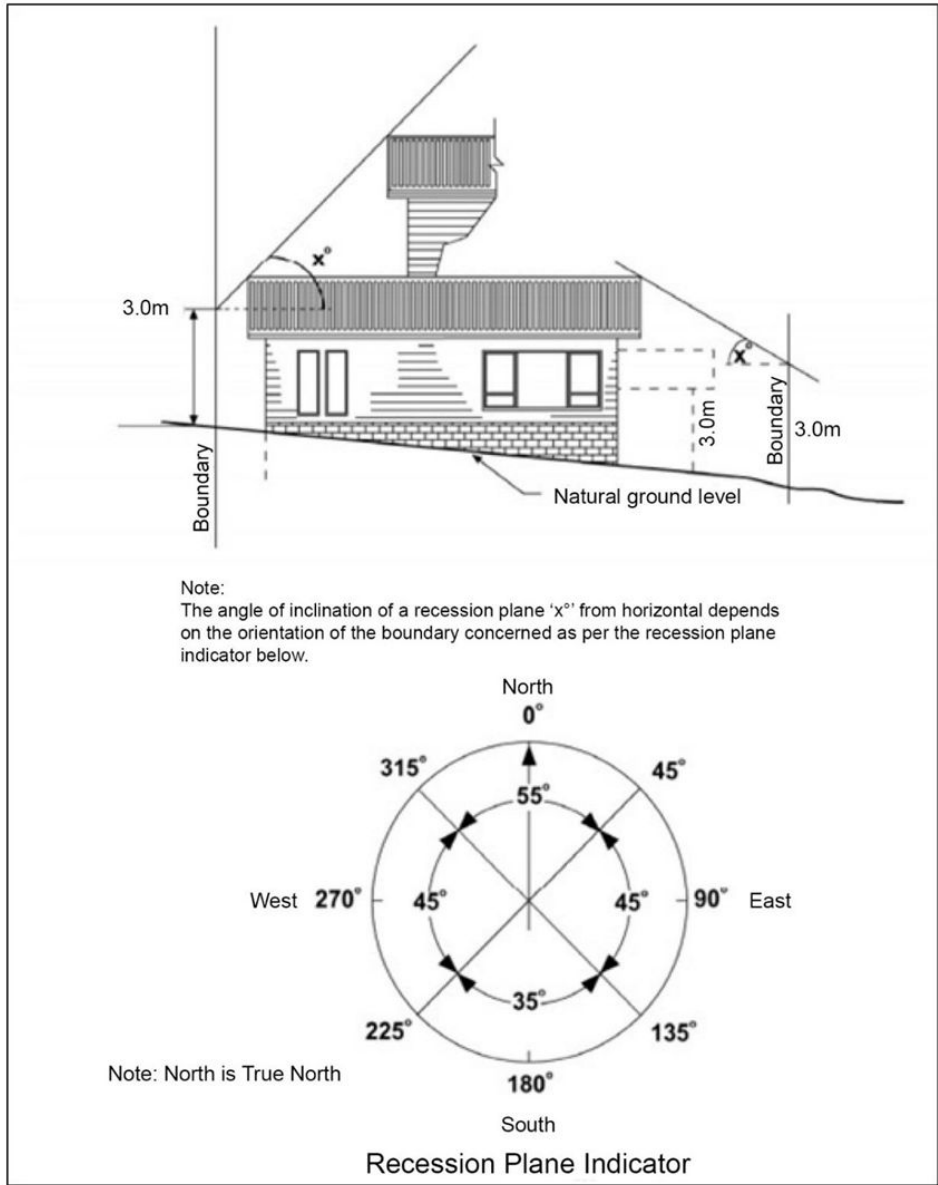
- (a) Any childcare facility provided for in Rule 4.1.3(d) shall comply with the following performance standards:
- (i) Childcare facilities provided for in Rule 4.1.3(d) shall comply with all the relevant permitted activity performance standards in Rule 4.2.
 - (ii) Demonstrate compliance with all the relevant permitted activity performance standards in other Sections of the District Plan.

Notification Statement

Under Section 77D of the RMA, for an activity requiring resource consent under Rule 4.1.3(d), the application shall not be publicly notified, except where:

- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
- The applicant requests public notification (pursuant to Section 95A(2)(b)).

4.4 Residential Zone Appendix 1: Building Recession Plane (Performance Standard 4.2.2)



APPENDIX 1.5 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
- The recommended changes in response to submissions are shown with blue underline for new text and ~~blue strikethrough~~ for deleted text.

SECTION 5: TOWNSHIP ZONE RULES

5.1 CATEGORIES OF ACTIVITIES

5.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Residential Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 5.2 and all other Sections of the District Plan:

- (a) Residential activities.
- (b) Residential care facilities.
- (c) Home occupations.
- (d) Marae.
- (e) Papakainga development¹ on land held under Te Ture Whenua Māori Act 1993.
- (f) Community activities.
- (g) Open space.
- (h) Home based childcare service.
- (i) Home based visitor accommodation.
- (j) Holiday homes.
- (k) Recreational activities.
- (l) Retail and commercial activities up to 500m² gross floor area.
- (m) Rural service activities.
- (n) Recreational vehicles or other easily moveable buildings, such as caravans, motor homes and porta cabins, used for temporary residential housing for up to six (6) months within a calendar year.
- (o) Farming activities, except for intensive farming activities.

¹ S7.2 and S7.20

- (p) Existing industrial activities, including an increase in size (building or outdoor area) of up to 100m².
- (q) The construction, alteration of, addition to, and demolition of buildings and structures for any permitted activity.

5.1.2 CONTROLLED ACTIVITIES

~~None.~~

- (a) Papakāinga developments² on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.

Matters to which the Council restricts its control:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Connection to services.

5.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Township Zone:

- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 5.1.1 which does not meet one or more of the Permitted Activity Performance Standards set out in Section 5.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of any effects deriving from non-compliance with the particular standard(s) that is not met, except where specifically identified in other rules below.
- (b) Where a new dwelling unit (including one additional minor dwelling unit) is on a site with a net site area between 1,000m² and 4,000m².

Matters to which the Council restricts its discretion:

- (i) Provision and sustainability of on-site water supply and wastewater systems.
- (c) Extension of existing Industrial Activities by 100-500m² in area (building or outdoor area).

Matters to which the Council restricts its discretion:

- (i) Effects on adjoining residential amenity.
- (ii) Effects on the overall character of the surrounding area
- (iii) Shading of the street or adjoining sites
- (iv) Dominance of building bulk, lack of access to sunlight and loss of views.
- (v) Noise and increased vehicle movements.
- (vi) Location of additional storage and parking, if provided.

² S7.2 and S7.20



- (d) Any childcare facility that provides for more than 4 children and up to a maximum of 30 children.

Matters to which the Council restricts its discretion:

- (i) Effects on character and amenity values
- (ii) Location and characteristics of the site
- (iii) Traffic effects
- (iv) Parking effects
- (v) Noise

- (e) Recreational vehicles and other easily moveable buildings, such as caravans and motor homes, used for residential housing for more than six (6) months.

Matters to which the Council restricts its discretion:

- (i) Duration of use
- (ii) Effects on the surrounding character and amenity values
- (iii) Location
- (iv) Appearance
- (v) Landscaping
- (vi) Connection to services
- (vii) Proximity to public amenities (parks, beaches)

- (f) Papakāinga ~~developments~~³ on general title land that do not comply with one or more of the permitted activity performance standards in Section 5.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Connection to services.

In relation to papakāinga ~~developments~~⁴ on general title land are the additional matters of discretion:

- (iv) Whether the applicant has demonstrated ~~their whakapapa or ancestral connection to the land~~ that the land is ancestral land⁵.
- (v) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated ~~a whakapapa or ancestral connection to the land~~ that the land is ancestral land⁶.
- (b) Any other matter related to tikanga Māori.

³ S7.2 and S7.20

⁴ S7.2 and S7.20

⁵ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁶ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1



5.1.4 DISCRETIONARY ACTIVITIES

- (a) Any childcare facility which provides for more than 30 children.
- (b) Where a new dwelling unit (or including one additional minor dwelling unit) is on a site with a net site area less than 1,000m².
- (c) Visitor accommodation.
- (d) Camping grounds/motor camps.
- (e) Commercial, retail, entertainment and community activities, except where provided for as a Permitted Activity.
- (f) Industrial activities, except where provided for as a Restricted Discretionary Activity in Rule 5.1.3(c).
- (g) Education facilities.
- (h) Emergency facilities.
- (i) Health care services.
- (j) Private function centres/facilities.
- (k) Forestry planting and forestry harvesting.
- (l) Panelbeating businesses.
- (m) Spray painting businesses.
- (n) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

5.1.5 NON-COMPLYING ACTIVITIES

- (a) Refuse facilities, water and sewerage treatment plants, solid and liquid waste facilities.
- (b) Intensive farming.
- (c) Aggregate/soil extraction.

5.1.6 PROHIBITED ACTIVITIES

None.

5.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

5.2.1 Number of Dwelling Units and Minimum Site Area

- (a) The maximum number of dwelling units per site shall be two dwelling units (including one minor dwelling unit).
- (b) Each dwelling unit shall have, at minimum, a net site area of 4,000m².

Except that:

- (c) Papakāinga development⁷ is exempt from the above minimum number of dwelling unit performance standards set out in 5.2.1(a) and the net site area performance standards set out in 5.2.1(b).

5.2.2 Bulk and Location

- (a) Buildings shall comply with the location requirements in Table 1.

Table 1: Height and Location Requirements

Type of activity	Minimum setback: State Highway	Minimum setback: Road boundary	Minimum setback: Other site boundaries	Additional setbacks/requirements
Dwelling unit, home occupation and other sensitive activities	10 m	5 m	1.5 m	Minimum setbacks: 5m from any retail, commercial, entertainment or community activity (including car parking and outdoor storage areas) on any other site under separate ownership. 20m from an industrial activity on any other site under separate ownership.
All buildings for Retail, Commercial, Entertainment and Community Activities including outdoor storage	10 m	5 m	1.5 m	Minimum setbacks: 5m from any dwelling unit, home occupation and other sensitive activities on any other site under separate ownership. 20m from an industrial activity on any other site under separate ownership.
All buildings for Industrial Activities and Rural Service activities, including outdoor storage	10 m	10 m	5 m	Minimum setbacks: 20m from any dwelling unit, home occupation and other sensitive activities on any other site under separate ownership.

⁷ S7.2 and S7.20



- (b) **Building Recession Plane:** Buildings shall not project beyond building recession plane from points 3m above site boundaries as shown in Section 4: Residential Zone Appendix 1.

Except that:

- (i) The recession plane shall not apply to road boundaries.
- (ii) Buildings on adjoining sites have a common wall along an internal boundary, no recession plane shall be applied along that part of the boundary covered by such a wall.
- (iii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.

- (c) **Maximum Building Height:** No part of any building may extend more than 8m above natural ground level.

Except that:

- (i) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.

- (d) **Building Site Coverage:** The proportion of a site when viewed in plan, which is covered by buildings or parts of buildings, shall not exceed:

- (i) For residential activities: 40%.
- (ii) For all other activities: 75%



5.2.3 Private Outdoor Living Area

- (a) All dwelling units shall have a private outdoor living area which is at least 50m² in area and capable of containing a circle 4m in diameter, and is orientated to the east, west or north of the dwelling.
- (b) All minor dwelling units shall have a private outdoor living area which is at least 10m² in area and capable of containing a circle 2.5m in diameter and is orientated to the east, west or north of the dwelling.

5.2.4 Home Occupations

- (a) The total floor area dedicated to home occupations on a site shall not exceed 50m².

5.2.5 Lighting

- (a) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measures horizontally and vertically) when measured at the boundary of a site zoned Residential in separate ownership, or at the notional boundary of an existing dwelling unit on a site in separate ownership in any other zone.

5.2.6 Outdoor Storage

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be screened from view from adjoining properties and from roads.

5.2.7 Odour

- (a) No activity shall give rise to offensive or objectionable odours able to be detected at the boundary of any property in separate ownership.

Note: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL factors" may be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of the odour).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

5.2.8 Access and Rooding

- (a) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

5.2.9 Flood Hazard Area

- (a) Any new dwelling unit to be located within the Flood Hazard Area shall be designed with a finished floor level above a 0.5% AEP (1 in 200 year) flood event.

5.2.10 Hours of Operation

- (a) Any activity, other than residential, farming, visitor accommodation, outdoor recreation and where specifically provided for within this section, shall be limited to the following hours of operation:
- (i) 7.00am to 9.00pm Monday to Friday and 9.00am to 5.00pm Saturday, Sunday and public holidays; except where:
- a. The entire activity is located within a building; and
 - b. Each person engaged in the activity outside the above hours resides permanently on the site; and
 - c. There are no visitors, customers or deliveries to the activity outside the above hours.

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the telecommunication and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Where works are proposed near any electrical line, individuals are advised to contact the line operator to discuss the works.

APPENDIX 1.6 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
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8

SECTION 6: COMMERCIAL ZONE RULES

6.1 CATEGORIES OF ACTIVITIES

6.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities in the Commercial Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 6.2 and all other Sections of the District Plan:

- (a) Within areas zoned either Commercial (Hāwera Town Centre) or Commercial (Mixed Use), the following activities:
- (i) Retail activities
 - (ii) Commercial activities.
 - (iii) Entertainment activities.
 - (iv) Community activities.
 - (v) Healthcare services.
 - (vi) Emergency facilities.
 - (vii) Education facilities.
 - (viii) Offices.
 - (ix) Open space.
 - (x) Car parks.
 - (xi) Public conveniences.
 - (xii) Visitor accommodation.
 - (xiii) Marae.
 - (xiv) Papakainga development¹ on land held under Te Ture Whenua Māori Act 1993.

¹ S7.2 and S7.20



- (xv) Residential activities, including residential activities ancillary to the operation of a permitted activity.
- (b) Within areas zoned Commercial (Large Format Trade and Service), the following activities:
 - (i) Trade and Service Activity.
 - (ii) Commercial activities.
 - (iii) Emergency facilities.
 - (iv) Car parks.
 - (v) Commercial garages/vehicle sales yards.
 - (vi) Vehicle service stations.
 - (vii) Vehicle sales yards.
 - (viii) Veterinary services.
- (c) Within areas zoned Commercial (Mixed Use Area), in addition to those activities permitted in Rule 6.1.1(a), the following activities are also permitted:
 - (i) Residential care facilities.
 - (ii) Home occupations.
 - (iii) Vehicle service stations.
 - (iv) Commercial garages/vehicle sales yards.
 - (v) Childcare facilities.
 - (vi) Veterinary services.
- (d) Within areas zoned either Commercial (Hāwera Town Centre), Commercial (Large Format Trade and Service) or Commercial (Mixed Use), the construction, alteration of, addition to, removal and demolition of buildings and structures for any permitted activity, except those works covered by Rule 6.1.2(a).

6.1.2 CONTROLLED ACTIVITIES

The following activities are controlled activities in the Commercial Zone:

- (a) The full or partial demolition of buildings on a site, where:
 - (i) The site has a Defined Pedestrian Frontage.
 - (ii) The site has frontage to:
 - Victoria Street in Kaponga; or
 - Egmont Street in Pātea; or
 - State Highway 3 (Weraroa Road) in Waverley; or
 - State Highway 45 (South Road) in Manaia.

Matters to which the Council restricts its control:

- (i) Effects on visual amenity values and streetscape character.
- (ii) The future use, maintenance, and development of the site, including the duration in which it may be left vacant.

Notification Statement

- (i) Under Section 77D of the RMA, for an activity requiring resource consent under Rule 6.1.2(a), the application shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).
- (b) Papakāinga developments² on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.

Matters to which the Council restricts its control:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Connection to services.

6.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

The following activities are restricted discretionary activities in the Commercial Zone:

- (a) Unless listed elsewhere in the District Plan, any permitted activity listed in Section 6.1.1, which does not meet one or more of the Permitted Activity Performance Standards in Section 6.2.

Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met, except where specifically identified in other rules below.
- (b) Within the Commercial Zone (Mixed Use Area), the following activities:
 - (i) Housing for the Elderly where the net site area per dwelling unit is, at minimum, 280m².
 - (ii) In Hāwera, three or more dwelling units where the net site area per dwelling unit is, at minimum, 300m².

Matters to which the Council restricts its discretion for (i) – (ii) above:

- (i) Site Layout;
- (ii) Scale and design of buildings.
- (iii) Effects on existing character and amenity values, including privacy, loss of healthy mature trees and shading on neighbouring properties.
- (iv) Location, function and amenity of on-site open space.
- (v) Parking, access, extent of impervious surfaces and landscaping.

In relation to any Housing for the Elderly additional matters of discretion is:

- (vi) Effects from the construction and operation of any medical, recreational, communal and staff facilities associated with the development.

² S7.2 and S7.20

**Notification Statement**

- (i) Under Section 77D of the RMA, for an activity within the Commercial Zone (Hāwera Town Centre) requiring resource consent under Rule 6.1.3(a) or (b), the application shall not be publicly notified, except where:
 - The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).
- (c) Within the Commercial Zone (Large Format Trade and Service), any building with a total floor area exceeding 1000m².

Matters to which the Council restricts its discretion:

- (i) Scale and design of buildings.
- (ii) Visual effects.
- (iii) Effects on the vibrancy and vitality of the Hāwera Town Centre
- (iv) Safety and efficiency of the road network;
- (v) Parking, access, servicing activities;
- (vi) The use of urban design and landscaping to avoid, remedy or mitigate adverse effects.
- (d) Additions to existing noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).

Matters to which the Council restricts its discretion:

- (i) The nature, size and scale of the proposed development.
- (ii) The internal noise environment of the proposed addition.
- (iii) The effects on the safe and efficient functioning and operation of Hāwera Aerodrome.
- (e) Papakāinga developments³ on general title land that comply with the permitted activity performance standards in Section 6.2.

Matters to which the Council restricts its discretion:

- (i) Whether the applicant has demonstrated ~~their whakapapa or ancestral connection to the land that the land is ancestral land~~⁴.
- (ii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated ~~a whakapapa or ancestral connection to the land; that the land is ancestral land~~⁵.

³ S7.2 and S7.20

⁴ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁵ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

- (b) Any other matter related to tikanga Māori.
- (f) Papakāinga developments⁶ on general title land that do not comply with one or more of the permitted activity performance standards in Section 6.2.

Matters to which the Council restricts its discretion:

- (iv) Avoiding, remedying or mitigating of actual or potential effects deriving from non-compliance with the particular performance standard(s) that is not met.
- (v) Effects on character and amenity values.
- (vi) Connection to services.

In relation to papakāinga developments⁷ on general title land are the additional matters of discretion:

- (vii) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land; that the land is ancestral land⁸.
- (viii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; that the land is ancestral land⁹.
- (b) Any other matter related to tikanga Māori.

6.1.4 DISCRETIONARY ACTIVITIES

- (a) Industrial activities, except in the Commercial Zone (Hāwera Town Centre) (refer Rule 6.1.5(d)).
- (b) Within the Commercial Zone (Large Format Trade and Service):
- (i) Residential activities.
 - (ii) Residential care facilities.
 - (iii) Visitor accommodation.
- (c) Any activity that is not listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

Notification Statement

⁶ S7.2 and S7.20

⁷ S7.2 and S7.20

⁸ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1

⁹ S3.1, S6.1, S7.2, S7.9, S7.14, S9.1



- (i) Under Section 77D of the RMA, for an activity within the Commercial Zone (Hāwera Town Centre) requiring resource consent under Rule 6.1.4(c), the application shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

6.1.5 NON-COMPLYING ACTIVITIES

- (d) Industrial activities in the Commercial Zone (Hāwera Town Centre).
- (e) Stockyards.
- (f) Noise sensitive activities within the Outer Control Boundary (OCB) of Hāwera Aerodrome shown on Planning Maps (Special Map 1).

6.1.6 PROHIBITED ACTIVITIES

None

6.2 PERFORMANCE STANDARDS - PERMITTED ACTIVITIES

6.2.1 Bulk and Location

- (a) Yards: All buildings shall be located no closer than:
- (i) 10m to the State Highway 3 road boundary between Hāwera and Normanby.
 - (ii) 3m to the rail boundary.
- (b) Building Recession Plane: Buildings on sites adjacent to the Residential zone shall not project beyond a building recession plane from points 3m above the site boundaries adjacent to the Residential zone, as shown in Section 4: Residential Zone Appendix 1.

Except that:

- (i) The recession plane shall not apply to road boundaries.
 - (ii) Where a boundary abuts an access lot or right of way, the boundary may be taken from the furthest boundary of the access lot or right of way.
- (c) Building Height: No part of any building shall extend more than 10m above natural ground level.

Except that:

- (iii) All poles, support structures and fixtures associated with outdoor lighting shall not exceed a height of 13.5m.
- (iv) On Defined Town Centre Corner Sites identified on the Planning Maps, buildings shall have a minimum height of two storeys or 10m (whichever is the lesser) and not exceed a maximum height of 15m.

6.2.2 Defined Pedestrian Frontage

- (a) On sites with a Defined Pedestrian Frontage identified on the Planning Maps, the following standards apply:
- (i) All buildings shall be built to the front road boundary at the Defined Pedestrian Frontage.
 - (ii) All buildings shall be built along the full width of the front road boundary for the Defined Pedestrian Frontage.
 - (iii) All buildings shall have continuous verandas over the full width (less 300 mm along roads) and length of all footpaths or other accessways for the Defined Pedestrian Frontage.
 - (iv) All buildings shall have display windows along the Defined Pedestrian Frontage of at least 75% of the ground floor facade surface. The minimum window area shall be kept clear and not be boarded up, painted or covered by signage.
 - (v) No activities or development shall obstruct the footpath for the Defined Pedestrian Frontage.

6.2.3 Sites Adjoining Residential Zone or Rural Zone

- (a) Where a site adjoins a Residential Zone or Rural Zone, the following standards apply:
- (i) All buildings shall be located no closer than 5m to the Residential or Rural zone boundary.
 - (ii) Landscaping and planting of at least 2m deep at the Residential or Rural zone boundary/boundaries shall be provided.
 - (iii) All outdoor carparking, storage, servicing and loading areas shall be screened by a close-boarded fence made of solid material with a minimum height of 1.2m and a maximum height of 2m.
 - (iv) The spill of light from any outdoor artificial lighting shall not exceed 10 lux (measured horizontally and vertically) when measured at the boundary of an adjoining Residential zoned site.

6.2.4 Minimum and Maximum Floor Areas

- (a) Within the Commercial Zone (Hāwera Town Centre), no individual activity shall occupy a total floor area of 500m² or more, at ground level.
- (b) Within the Commercial Zone (Large Format Trade and Service), no individual activity shall occupy a total floor area (excluding shared storage space and activities) less than 500m², at ground level.
- (c) Within the Commercial Zone (Large Format Trade and Service), the maximum total floor area of any building shall not exceed 1000m².

Note: For the purpose of this Performance Standard, the total floor area shall be measured from the internal face of exterior walls, or from the centre line of common walls separating two (2) abutting individual activities, and shall exclude shared storage facilities and spaces.



6.2.5 Outdoor storage

- (a) All areas used for the storage of goods, materials or waste products shall be maintained in a tidy condition and shall be fully screened from view from roads and adjacent properties.

6.2.6 Odour

- (a) No activity shall result in offensive or objectionable odours to the extent that it causes an adverse effect at or beyond the boundary of the site in which the activity is located on.

Note 1: For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by at least two independent observers; including at least one Council officer. In determining whether an odour is offensive or objectionable, the “FIDOL factors” shall be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location of where the odour is measured (i.e. the sensitivity of the receiving environment).

Note 2: This performance standard shall not apply if the discharge of odour is authorised by a discharge permit granted by the Regional Council.

6.2.7 Access and Rooding

- (b) Where on-site parking or loading spaces are provided, they, along with vehicle access and manoeuvring areas must be in accordance with Section 10: Parking and Transportation.

Except that activities:

- (i) Adjacent to the Defined Pedestrian Frontage in Hāwera; or
- (ii) Within the Commercial Zone (Mixed Use) areas in Eltham, Normanby, Pātea, Manaia, Ōpunakē, Kaponga and Waverley;

Are exempt from providing vehicle access, manoeuvring areas and loading facilities as set out in Sections 10.2 – 10.6 of the Plan; and

If vehicle access, manoeuvring areas, loading facilities and on-site parking is proposed, it shall be located to the rear of the building.

- (c) Activities within the Commercial Zone (Large Format Trade and Service) shall provide vehicular access by way of local roads as opposed to access from State Highway 3.

6.2.8 Hāwera Aerodrome Protection Area

- (a) No building, mast, pole, other structure or tree shall penetrate the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.
- (b) No road or railway shall be building above or within 4.6m vertically of the flight path protection plane, the transitional side slopes or the horizontal surface as shown on the Planning Maps (Special Map 1) and as defined in Appendices of the District Plan.



6.2.9 Landscaping

- (a) All activities adjacent to the State Highway 3 road boundary between Hāwera and Normanby, shall provide landscaping and planting that can attain a minimum height 1m, of at least 2m width at the boundary abutting the State Highway.

6.2.10 Residential Activities and Visitor Accommodation

- (a) All new dwelling units shall have a private outdoor living area which is at least 50m² in area and capable of containing a circle 4m in diameter, and is oriented to the east, west, or north of the dwelling unit.
- (b) All new minor dwelling units shall have a private outdoor living area which is at least 10m² in area and capable of containing a circle 2.5m in diameter and is oriented to the east, west or north of the dwelling unit.

Except that:

- (i) This requirement does not apply to new dwelling units or minor dwelling units accommodated in buildings listed in Schedule 1A.
- (c) Within the Commercial Zone (Hāwera Town Centre) and the Defined Pedestrian Frontage area in Eltham, no residential activities or visitor accommodation shall occupy the ground floor of buildings.

Except that:

- (i) Residential activities may occur on the ground floor to the rear of the building if the building frontage is occupied by retail or other permitted activity.

Advice Notes

Note: Vegetation to be planted near electricity lines (including the National Grid) should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the telecommunication and electricity lines (including the National Grid). Compliance with the permitted activity standards of the Plan does not ensure compliance with the NZECP 34:2001.

Where works are proposed near any electrical line, individuals are advised to contact the line operator to discuss the works.

APPENDIX 1.7 OFFICERS RECOMMENDED AMENDMENTS TO PROVISIONS

The below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions, in response to submissions.

Note:

- The proposed changes to the Operative District Plan as notified in Plan Change 3 are shown with red underline for new text and ~~red strikethrough~~ for deleted text
- The recommended changes in response to submissions are shown with blue underline for new text and ~~blue strikethrough~~ for deleted text.

SECTION 20: RESOURCE CONSENT INFORMATION REQUIREMENTS AND ASSESSMENT MATTERS

To enable the Council to process an application for resource consent, an applicant must provide adequate information in accordance with Section 88(3) of the RMA. The information should be appropriate to assess the environmental effects of the proposal in a professional and unbiased manner and if it does not have all the required information, the Council can return the application within 10 working days. Section 92 of the RMA also allows the Council to seek more information about an application. So that it can better understand the nature of the activity in respect of which the application is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated. Compliance with the information requirements will speed up the consideration of applications and ensure the appropriate conditions are attached where these are necessary.

Forms and guidelines to assist in preparing an application can be obtained from the Council.

NOTE: This information complements the provisions of Section 88 and Schedule 4 of the Act.

The information requirement set out in this section will normally be required in consideration of a resource consent application.

20.1 LAND USE CONSENTS

An application for resource consent for an activity must include the following:

- The full name and address of each owner or occupier of the site.
- The location of the site, including the street address, rural number, legal description, and the name of the owner of the land (copies of the current certificate of title must be provided).
- A full description of the activity for which the consent is sought:
- Relevant objectives, policies and rules (including plan changes).
- Relevant National Policy Statements, National Environmental Standards, Regional Plans and Iwi Management Plans.



- (f) Intended use of the land/or site.
- (g) A description of any other resource consent that may also be required and whether the applicant has applied for such consents.
- (h) Plans which sufficiently show:
 - (i) A north point and the address of the proposed development.
 - (ii) The location of all site boundaries and all existing and proposed buildings, fences, parking areas (when provided), accessways and vegetation on the site.
 - (iii) The location of any adjacent activities, particularly residential dwelling units.
 - (iv) The location of nearby community uses, including community buildings, housing, schools, reserves, public transport services, and the public roading network.
 - (v) The location of utilities and services on or adjacent to the site, including the supply of water, electricity, gas, communication services, and the disposal of stormwater and of solid and liquid wastes, including hazardous wastes.
 - (vi) The location of electricity transmission lines.
 - (vii) The location of any designations, heritage items, sites of significance to tangata whenua, statutory acknowledgements areas, or other features of public interest on or in the immediate vicinity of the site.
 - (viii) Topography, noting significant landforms and natural features.
 - (ix) Watercourses and catchment orientation.
- (i) Other relevant information, including:
 - (i) Details of the appearance of any building(s), elevations and relationship with surrounding area.
 - (ii) Floor plans, including height of floor levels.
 - (iii) Landscape design, site planting and fencing.
 - (iv) Location of vehicle parking (when provided), loading circulation and manoeuvring areas and accessways and anticipated transportation movements.
 - (v) Signs.
 - (vi) Hours of operation.
 - (vii) Lighting.
 - (viii) Earthworks, including excavation and fill.
 - (ix) Relocated buildings.
- (j) An assessment of environmental effects should accompany the plans which adequately describes the effects of the proposed activity. Every assessment should include:
 - (i) A written description of the proposal.
 - (ii) An assessment of the actual or potential effect of the activity on the environment.
 - (iii) The estimated timing and duration of the proposed activity.

- (iv) A description of the measures taken to avoid, remedy or mitigate the actual or potential effects and, where the activity includes risk from the use of hazardous substances, any contingency plans, safety programmes or management plans.
 - (v) A list of those persons potentially affected by the proposal as advised by the Council.
 - (vi) A description of how any effects of the proposed activity will be monitored.
 - (vii) A description of alternative locations that were considered for the proposed activity, and why they were rejected.
 - (viii) A description of the natural environment including (where relevant) plants and wildlife, historic, scenic, archaeological or scientific sites or buildings, local air quality, water quality (both surface and underground), noise, odour, dust, landslip, erosion, flooding and earthquakes. In certain circumstances an archaeological survey may be required.
 - (ix) Effects of the proposed activity on the Coastal Protection Area or areas of Outstanding Natural Landscapes/Areas/Character.
 - (x) A description of the social, cultural and spiritual environment of local residents where relevant, especially that of the Maori in respect of Tāngata Whenua values, their traditions and relationship with ancestral lands, including identified sites of significance to Tāngata Whenua.
 - (xi) Comments of the New Zealand Transport Agency where the proposed activity takes access and frontage from a State highway, or where the activity will significantly increase the number of turning vehicles at an intersection with a State highway;
 - (xii) Comments of Transpower New Zealand Limited where the proposed activity is located within the National Grid Corridor. An electrical engineering assessment prepared by a suitably qualified person may be required.
 - (xiii) Comments of any other relevant network utility operator where the proposed activity could adversely affect the safety, efficiency, operation, maintenance or upgrading (including reverse sensitivity effects) of an existing network utility (Note: this includes telecommunications and gas and liquid petroleum pipelines).
 - (xiv) Evidence of consultation with the relevant Tāngata Whenua in respect of activities within or adjacent to any statutory acknowledgement areas attached to this plan.
 - (xv) A list of any rights or permits required for any proposed activity (if any) from the Council and other consent authorities.
- (k) Consultation with affected persons.

Applications should be discussed with neighbours or persons likely to be affected, or other organisations such as Transpower New Zealand, the New Zealand Transport Agency (NZTA), New Zealand Railway Corporation/KiwiRail, Heritage New Zealand, Vector Gas, and all Network Utility Operators or the Department of Conservation. Tangata Whenua may also need to be consulted.

The Council will also expect that, in the preparation of such an assessment of effects where significant impacts are anticipated, such as for a stand-alone industrial development in a rural setting, the applicant will undertake an extensive programme of information gathering and dissemination in the public arena to assure the Council that the views of the local community are understood and that, as far as possible, any concerns raised can be dealt with adequately.

20.2 SUBDIVISION CONSENTS

In addition to the information requirements stated above, subdivision applications must include the following information, as applicable:

- (a) The full name and address of the applicant.
- (b) The location of the site, including the street address, rural number, legal description, and the name of the owner of the land to be subdivided (copies of the current certificate of title must be provided).
- (c) Plans which sufficiently show:
 - (i) A scaled plan of the subdivision proposal showing position of all existing and new lot boundaries including adjoining titles
 - (ii) The areas and net lot areas (where relevant) of all new lots created in square metres
 - (iii) The location and areas of reserves to be created, including the location of existing esplanade reserves, esplanade strips and access strips
 - (iv) The location and areas of land to be set aside as road
 - (v) The location of existing and proposed vehicle crossings and easements (including right of ways)
 - (vi) The location of areas of land below mean high water springs (MHWS) of the sea, or any part of the bed of any lake or river to be vested in the Crown
 - (vii) The location of rivers, streams, lakes, significant landscape features, areas of natural vegetation
 - (viii) The location of existing buildings excluding uncovered patios and porches
 - (ix) The location of known heritage and archaeological and waahi tapu sites (Maori and European), heritage areas and objects, and statutory acknowledgement areas.
 - (x) The location and extent of any contaminated land on the site (contaminated land may include areas that have been previously used for the storage or use of hazardous substances)
 - (xi) A north point, preferably orientated up the page but not rotated greater than 90° east or west to make the best use of the page. The scale of the drawing for A4 sheets shall be shown in written form only. For sheets greater than A4, a drawn scale shall also be shown.
 - (xii) Scales of 1:100, 1:120, 1:125, 1:150, 1:200, 1:300, 1:400, 1:500, 1:600, 1:750, 1:800 or multiples or divisions by 10 of these scales.
- (d) Natural hazards: A description of the lots to be created including legal description of the underlying land, description of soil type, slope, areas of flood potential or erosion, adjoining land uses and activities and where these are in close proximity to boundaries (e.g. within 1m); the location of buildings and structures on adjoining properties.
- (e) An assessment of effects appropriate to the subdivision. This should address the effects of the subdivision and any proposed methods to avoid, remedy or mitigate any adverse effects. Where appropriate, include provisions for the amalgamation of land and the setting aside of areas for protection.



- (f) Where access and frontage is proposed to a State Highway or where the activity will significantly increase the number of turning vehicles at an intersection with a state highway, the comments of the New Zealand Transport Agency are required.
- (g) Where access and frontage is proposed to a railway line, the comments of New Zealand Railway Corporation/KiwiRail are required.
- (h) Services: Advice of the availability of services to the lots such as power, telecommunications and gas after consultation with those utility operators. Note: telecommunications network utility operators shall be consulted where a subdivision creates more than 15 lots.
- (i) Iwi Consultation: Evidence of any consultation which has been undertaken by the applicant with iwi or hapu in respect of Tāngata Whenua values, their traditions and relationships with ancestral lands, including identified sites of significance to Tāngata Whenua (including those on the balance lot), and statutory acknowledgment areas.
- (j) Where a proposed subdivision is a Non-Complying Activity (i.e. subdivision in the Coastal Protection Area that results in any lot of less than 2000m² in area), a full Assessment of Environmental Effects is required.
- (k) A professional archaeological assessment/survey, and consultation with Heritage New Zealand – Pouhere Taonga is required when a proposed subdivision affects an archaeological site identified on the Planning Maps.
- (l) Where subdivision is proposed within a National Grid Subdivision Corridor, comments of Transpower New Zealand Limited. Note: an electrical engineering assessment prepared by a suitably qualified person may be required.

20.3 ADMINISTRATION REQUIREMENTS

Set fees must be paid at the time the application is lodged. Refer to the Council's resource consent fees schedule.

If the activity is within an area affected by overlay rules, professional reports from a suitably qualified person may be needed to properly assess the effect of the activity on the overlay's values or issue (e.g. landscape, natural character, archaeology, natural hazards (particularly a flood hazard risk assessment), biodiversity, historic heritage, significant trees).

Professional reports may be required if the activity's effects exceed, or there is uncertainty if they may exceed, Plan standards or thresholds, or if they need assessment as an assessment matter or policy.

20.4 CROSS BOUNDARY MATTERS

From time to time the Council will receive a resource consent application that may require input or feedback from other territorial authorities or the Regional Council. To ensure active discussion on resource management issues and information sharing between authorities is maintained, the Council will liaise with these other authorities as necessary.

Where a resource consent application requires the consent of two or more consent authorities and those authorities have decided to hear the applications, a joint hearing will be held, unless the consent authorities agree that the applications are sufficiently unrelated that a joint hearing is not necessary and



the applicant agrees that a joint hearing need not be held. The Council will encourage practices which enable resource consent applications to be considered in a similar manner regardless of the locality.

The Council will liaise with Taranaki Regional Council where:

- The proposed activity involves the discharge of contaminants to air, water or land;
- The proposed activity involves the taking, use and damming or diversion of water;
- The proposed activity involves the reclamation or drainage of the bed of a river or lake;
- The proposed activity involves discharging water to any place other than a public sewerage system or stormwater system or private septic or sewage treatment system;
- The proposed activity involves any construction in, or within 50m of, a water body;
- The proposed activity involves disturbing the coastal environment below Mean High Water Spring (MHWS);
- The proposed activity involves activities on, in, under or over the bed of rivers and lakes;
- The proposed activity involves hazardous materials.

The Council will liaise with adjacent District Councils where:

- The proposed activity is situated on or adjacent to the Hangatahua (Stony) River;
- The proposed activity gains access from either Pakaraka or Rangitatau West Road;
- The proposed activity involves unusual heavy vehicle traffic which is likely to travel outside the district;
- The proposed activity adjacent to a District boundary is of such magnitude in terms of possible effects as to warrant an integrated inter-District approach.

20.5 ASSESSMENT MATTERS

The following assessment matters will be used in assessing resource consent applications.

20.5.1 Bulk and Location

The following assessment matters will be used in assessing land use applications relating to any proposed building or structure which cannot comply with the minimum setback from boundaries and/or maximum height limit for the zone it is located within. Note: network utility buildings and structures are exempt from these assessment matters, and will be assessed against the provisions in Section 14 of this Plan.

- (a) Any effects on adjoining properties in terms of dominance of buildings, loss of access to sunlight, or loss of outlook.
- (b) The degree of effects of increased height or reduced side yards on privacy levels enjoyed by adjoining properties.



- (c) Any effects on the streetscape from increased height or reduced setback from the street such as shading and visual dominance, or loss of views.
- (d) The ability to provide adequate opportunity for garden and tree planting around buildings to mitigate visual bulk and dominance effects.
- (e) The ability to provide for vehicle manoeuvring within the site.
- (f) The extent to which the shape of the site influences the layout and design of the proposed building.
- (g) The extent to which increased height has been offset by reduced building coverage and thereby the site remains dominated by open space and planting.
- (h) The extent to which the proposed building will be compatible with the overall character of the area.
- (i) The ability to provide for a vehicle to park in front of any garage without overhanging the road/footpath.
- (j) For industrial activities, the ability to landscape along the road boundary.
- (k) The extent to which any reduced setback between commercial or retail or community activities and residential activities will result in adverse noise effects and loss of privacy on adjoining residential sites.
- (l) The extent to which any reduced setback between industrial and residential activities is required to develop the site efficiently and any resulting potential adverse effects on adjoining sites.
- (m) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of matters such as noise, smell, dust, glare or vibration.
- (n) Any adverse effects of the proximity of buildings housing animals in terms of noise, smell, flies or vermin on adjoining sites.

20.5.2 Home Occupations

The following assessment matters will be used in assessing land use applications relating to home occupations in the Rural, Residential, Township and Commercial Zones:

- (a) Any adverse effects of the scale of the activity, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings.
- (b) The degree to which the activity would integrate with the character of the surrounding environment, including its proximity to neighbouring buildings, and whether this is consistent with the surrounding environment.
- (c) Any adverse effects on adjoining sites of the scale of the activity, including reduced privacy or outlook.
- (d) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of such matters as noise, smell, dust, glare or vibration.
- (e) The need for any increase in size of building, hours of operation, noise and, the potential adverse effects in the surrounding environment, particularly adjoining residential properties.



20.5.3 Private Outdoor Living Area

The following assessment matters will be used in assessing land use applications relating to the minimum private outdoor living area per dwelling unit/s in the Residential, Township, Commercial and Industrial Zones:

- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site to provide for the outdoor living needs of likely future residents of the site.
- (b) Any alternative provision on, or in close proximity to the site for outdoor living space to meet the needs of likely future residents of the site.
- (c) The extent to which the reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.
- (d) Whether the residential units are to be used for elderly persons housing and the extent to which a reduced area of outdoor living space will adequately provide for the outdoor living needs of the likely residents of the site including future residents.

20.5.4 Number of Dwelling Units per Net Site Area

The following assessment matters will be used in assessing land use applications relating to the maximum number of dwelling units per site and/or minimum site area in the Residential, Township and Commercial Zones:

- (a) The extent to which the character of the site will retain its openness, permeable surfaces, and garden plantings, rather than buildings.
- (b) The ability to provide sufficient private outdoor living space on the site.
- (c) Whether the proposed dwelling unit would visually dominate the street.
- (d) Any effects on adjoining properties in terms of building dominance, access to sunlight and loss of privacy or outlook.
- (e) Whether the additional dwelling unit/s is suitable for housing for the elderly whilst still providing adequate outdoor living space.
- (f) Appropriateness of the intensity of dwelling units in relation to the surrounding environment.

20.5.5 Marae and Papakainga Development¹

The following assessment matters will be used in assessing land use applications for new Marae and/or Papakainga development and redevelopment²:

- (a) Recognition of the relationship of Tāngata Whenua and their culture and traditions with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.
- (b) The potential economic, cultural and social benefits to Tāngata Whenua of the proposal.

¹ S7.2 and S7.20

² S7.2 and S7.20

- (c) Any potential effects of the proposal on the character and amenity values of the surrounding area.
- (d) Whether connections to available water, sewerage and/or drainage services are required, and the potential need to upgrade roads and access ways.
- (e) Consideration of the historical presence of papakainga housing³ and associated activities on the site.
- (f) For applications on general title land, whether the land is ancestral land, evidence of an ancestral connection to the land and whether the land will remain in Māori ownership in the long-term, maintenance of the land title has been demonstrated.⁴

Appropriate legal mechanisms to demonstrate this may include:

- (i) Historic Record of Titles.
- (ii) Managing the land via a Trust.

20.5.6 Lighting

The following assessment matters will be used in assessing land use applications relating to the maximum light spill for the zone in which the activity is located within:

- (a) The ability/extent to which light spill may disturb sleep of residents on the adjoining site.
- (b) The nature of activities on the adjoining site and whether they are unlikely to be affected by the proposed light spill.
- (c) Effects on the use of private outdoor living areas.

20.5.7 Outdoor Storage

The following assessment matters will be used in assessing land use applications relating to the location or screening of outdoor storage for the zone in which the activity is located within:

- (a) The extent to which outdoor storage will be able to be viewed from adjoining properties, particularly private outdoor living areas and internal living areas.
- (b) The extent to which outdoor storage will be able to be viewed from the road and any effects on amenity values.
- (c) The extent to which the outdoor storage avoids adverse effects on water bodies (sources) where the water is used for potable human drinking water.

20.5.8 Hours of Operation

The following assessment matters will be used in assessing land use applications relating to the hours of operation of the proposed activity:

- (a) Any potential effects on the ability to fully utilise outdoor areas on the adjoining site(s).

³ S7.2 and S7.20

⁴ S5.30



- (b) Any potential effects on the ability to undertake activities in buildings on adjoining sites, particularly during the summer months when windows may be open.
- (c) The potential for the character of the area to alter with increased vehicle movements and long hours of operation.
- (d) Adverse effects of early morning and night-time deliveries.
- (e) Whether the increased hours of operation are related to staff activities and whether there are deliveries or visitors to the site after hours.

20.5.9 Parking and Transportation

The following assessment matters will be used in assessing land use applications relating to non-compliance with the parking and transportation rules and standards of the Plan.

Roading, Access and Intersections

- (a) The extent of non-compliance(s) and/or any worsening of existing non-compliances with the requirements and standards in the Plan.
- (b) The extent to which the safety and efficiency of the adjoining road/s would be compromised by intersections being located closer together, or with a lesser unobstructed sight distance or intersection visibility, than is permitted by the Plan.

Vehicle Crossings

- (c) The extent of non-compliance(s) and/or any worsening of existing non-compliances with the requirements and standards in the Plan.
- (d) The extent to which the safety and efficiency of the adjoining road/s would be compromised by vehicle crossings being located closer together, or with a lesser unobstructed sight distance or intersection visibility, than is permitted by the Plan.

Loading, Parking and Manoeuvring Spaces

- (e) The extent of non-compliance(s) and/or any worsening of existing non-compliances with the requirements and standards in the Plan.

Railway Level Crossings

- (f) Whether vehicles can safely and efficiently enter and exit a site without resulting in the queuing of vehicles blocking the railway corridor.
- (g) The extent to which the nature, location, scale, and height of any obstruction will obstruct visibility along the railway and adversely affect road and rail safety, having regard to the geometry and orientation of the intersection and the speed and volume of traffic on the road.

Tree Planting

- (h) The extent to which tree location, species, maximum height and spread of the proposed tree will obstruct visibility from the intersection of approaching traffic, and adversely affect road safety having regard to the geometry and orientation of the intersection and the speed and volume of vehicles on the road.



- (i) The extent to which planting is unnecessary or inappropriate due to the nature and location of the car-park, the nature of any fencing around the car-park, or the nature and amount of planting on adjoining sites in the vicinity.

20.5.10 Significant Hazardous Facilities

The following assessment matters will be used in assessing land use applications relating to significant hazardous facilities, including non-compliance with the significant hazardous facilities standards of the Plan:

- (a) The extent to which the location of the significant hazardous facility:
 - (i) Avoids adverse effects on the environment, human health and amenity values, particularly on sensitive activities.
 - (ii) Avoids the risk posed by the occurrence of natural hazards or that alternatively the potential adverse effects resulting from a natural hazard event have been avoided or mitigated.
 - (iii) Is consistent with the policies supporting the zone in which the activity is to occur.
- (b) The extent to which the design, construction and management of the significant hazardous facility avoids or mitigates adverse effects, including risks, to people, property and the environment, including:
 - (i) Site drainage, spill containment systems, site layout and waste processes.
 - (ii) Minimising any adverse effects associated with the transport of a hazardous substance on road infrastructure or on other land use activities along a transport route.
 - (iii) Minimising the risks to sensitive aquifers or surface water bodies associated with the potential for unintended leaks or spills resulting from the activity.
- (c) Whether the individual and cumulative effects of the significant hazardous facility have been identified, assessed and managed so they do not pose significant residual risks to people, property and the environment.
- (d) The extent to which measures have been proposed to manage the transport of hazardous substances associated with the significant hazardous facility to minimise adverse effects on road infrastructure and potentially affected land use activities along the transport route.
- (e) Whether the risk assessment submitted with the proposal adequately address:
 - (i) An assessment of the sensitivity of the receiving environment to any potential risks
 - (ii) A hazard identification and risk management response
 - (iii) A quantitative risk assessment for all significant hazardous facilities
 - (iv) Whether there is a practicable alternative method of risk management that would present less risk
 - (v) Whether the proposal will avoid or adequately mitigate cumulative adverse effects with respect to other hazardous facilities in the area
 - (vi) Whether adequate setback is proposed to address the potential risks in the following situations:



- Proximity to sensitive activities, including residential zones activities, educational facilities, and community facilities and recreational areas;
 - Significant areas of indigenous vegetation and habitats of indigenous fauna;
 - Adjacent waterbodies;
 - Adjacent Sites of Significance to Tāngata Whenua, or sites of historical or archaeological significance.
- (f) Emergency management planning and response.
- (g) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
- (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.

20.5.11 Petroleum Exploration and Production Activities

The following assessment matters will be used in assessing land use applications relating to Petroleum Exploration and Production activities:

- (a) The local, regional and national benefits to be derived from the use and development of energy.
- (b) The landscape and visual effects of the proposal, including:
 - (i) The extent to which the proposal will impact on the natural character of the coastal environment, waterbodies and rural environment;
 - (ii) The extent to which the proposal will adversely impact on dwelling units, sensitive activities, key public places including major roads and recreation areas;
 - (iii) The extent to which any aspects of the proposal can be sited or designed to reduce the visibility of any structures, including the potential to locate facilities underground.
- (c) The extent of the ecological effects of the proposal, including:
 - (i) The extent to which significant indigenous vegetation and significant habitats of indigenous fauna are affected;
 - (ii) The potential effects on birds or other fauna, either migratory species or resident populations on site;
 - (iii) The sensitivity of the site to disturbance;
 - (iv) The extent of any proposed earthworks and their potential impact on natural landforms;
 - (v) The degree to which stormwater runoff and the effects on local catchments can be managed.
- (d) The effects of the use, storage, transport and disposal of hazardous substances.



- (e) The actual and potential noise effects of the proposal.
- (f) The effect of the location, scale and design of the proposed development, including the number of structures, their height, the visual effect of the development as a whole, staging of the development and temporary effects as a result of construction.
- (g) The extent to which the proposal will affect amenity values of the surrounding environment with particular regard being given to the impact of the proposal on existing residential dwellings, other sensitive activities and recreation areas, including consideration of any potential adverse effects on amenity and recreation values.
- (h) The proximity of the proposal to dwelling units and sensitive activities, and existing and future residential urban growth areas.
- (i) The effects of artificial lighting and flaring, particularly on nearby residential dwellings, sensitive activities and the night sky.
- (j) The effects on archaeological and sites of significance to tangata whenua, heritage and cultural values, including understanding of accidental discovery protocol, and the need for archaeological authorities under the Heritage New Zealand Pouhere Taonga Act.
- (k) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.
- (l) An assessment of the impact of traffic movements on road pavement life where unusual heavy vehicle movements are generated.
- (m) The extent to which management of traffic movements and their adverse effects will affect residents on the road.
- (n) An assessment of the effects of traffic on the safety and efficiency of the transport network, taking into account consistency with the transport standards.
- (o) The effects of traffic and vehicle movements as a result of the proposal and the extent that traffic or site management plans can be implemented to mitigate effects.
- (p) The extent to which the activity may exacerbate or be adversely affected by natural hazards.
- (q) The extent of any required earthworks, including access tracks, roads and building platforms and the rehabilitation proposed.
- (r) The nature and details of any proposed mitigation, remediation and rehabilitation works.
- (s) Cumulative effects of the proposal, in the context of wider and ongoing energy resource development, and the utility of review conditions to manage these effects.
- (t) Where the adverse effects on the environment are significant due to practical constraints of the activity, the suitability of the site and the extent to which alternative locations or methods have been considered.



- (u) The actual and potential adverse effects on water bodies (sources) where the water is used for potable human drinking water.

20.5.12 Large-Scale Renewable Electricity Generation Activities

The following assessment matters will be used in assessing land use applications relating to Large-Scale Renewable Electricity Generation Activities:

- (a) The local, regional and national benefits to be derived from the use and development of renewable energy resources, including the contributions the proposal will make to:
 - (i) Achieving energy policy objectives and/or renewable electricity generation targets of the New Zealand Government;
 - (ii) Securing electricity supply for current and future generations;
 - (iii) Increasing energy independence for the communities of South Taranaki;
 - (iv) Reducing dependency on imported energy sources; and
 - (v) Reducing greenhouse gases.
- (b) The landscape and visual effects of the proposal, including:
 - (i) The extent to which the proposal will impact on the natural character of the coastal environment, waterbodies and rural environment;
 - (ii) The extent to which the proposal will adversely impact on dwellings, sensitive activities, key public places including major roads and recreation areas;
 - (iii) The extent to which any aspects of the proposal can be sited or designed to reduce the visibility of any structures, including the potential to locate facilities underground.
- (c) The extent of the ecological effects of the proposal, including:
 - (i) The extent to which significant indigenous vegetation and significant habitats of indigenous fauna are affected;
 - (ii) The potential effects on birds or other fauna, either migratory species or resident populations on site;
 - (iii) The sensitivity of the site to disturbance;
 - (iv) The extent of any proposed earthworks and their potential impact on natural landforms;
 - (v) The degree to which stormwater runoff and the effects on local catchments can be managed.
- (d) The actual and potential noise effects of the proposal, and the ability (if relevant) to meet NZS 6808:2010 "Acoustics Wind Farm Noise," and other relevant standards such as NZS 6802: 2008 "Assessment of Environmental Sound."
- (e) The effect of the location, scale and design of the proposed development, including the number of structures, their height, the visual effect of the development as a whole, staging of the development and temporary effects as a result of construction.
- (f) The practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.



- (g) The extent to which the proposal will affect amenity values of the surrounding environment with particular regard being had to the impact of the proposal on existing residential dwellings and other sensitive activities.
- (h) The proximity of the proposal to dwellings and sensitive activities, and existing and future residential urban growth areas.
- (i) The effects on archaeological and sites of significance to tangata whenua, heritage and cultural values, including understanding of accidental discovery protocol, and the need for archaeological authorities under the Heritage New Zealand Pouhere Taonga Act.
- (j) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.
- (k) The effects of the proposal on traffic safety-
 - (l) The assessment of the effects of traffic on the safety and efficiency of the transport network, taking into account consistency with the transport standards.
- (m) The effects of traffic and vehicle movements as a result of the proposal and the extent that traffic or site management plans can be implemented to mitigate effects.
- (n) The extent to which the activity may exacerbate or be adversely affected by natural hazards.
- (o) The extent of any required earthworks, including access tracks, roads and building platforms and the rehabilitation proposed.
- (p) The nature and details of any proposed mitigation and rehabilitation works.
- (q) Cumulative effects of the proposal in the context of wider and ongoing renewable energy development, and the utility of review conditions to manage these effects.
- (r) Where the adverse effects on the environment are significant due to practical constraints of the activity, the suitability of the site and the extent to which alternative locations or methods have been considered.
- (s) Where the adverse effects of renewable energy activities cannot be practically avoided, remedied or mitigated, the relevance and appropriateness of any offset measures and/or environmental compensation that is of benefit to the local environment and affected community.
- (t) Where particular adverse effects of renewable energy are not fully known or are uncertain, the relevance and appropriateness of any adaptive management measures to avoid, remedy or mitigate any such effects.

20.5.13 Wind Farms

In addition to the assessment matters in 20.5.12, the following assessment matters will be used in assessing land use applications for wind farms:

- (a) The provisions for safeguards and contingencies in relation to noise effects, particularly concerning:
 - (i) The confirmation of the manufacturer's noise emission levels for the actual turbines to be used at the wind farm when these have been determined;
 - (ii) The early identification and remedy of any special audible characteristics present when the wind turbines commence operation;
 - (iii) Changes to background sound levels that may occur between the time consent is granted and when the wind farm is constructed;
 - (iv) Effective noise monitoring programmes to demonstrate compliance, beyond the commissioning stage;
 - (v) Procedures for addressing turbine malfunctions;
 - (vi) Community liaison and methods of dealing with complaints;
 - (vii) Reporting these matters to the Council.
- (b) The ability to manage and control construction noise using the provisions of NZS 6803:1999 Acoustics – Construction noise.
- (c) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.

20.5.14 Network Utilities

The following assessment matters will be used in assessing land use applications for network utilities:

- (a) The degree, extent and effects of the non-compliance with the requirements and standards in the Plan.
- (b) Risks to public health and safety.
- (c) Visual and amenity effects, including:
 - (i) Landscape and streetscape values.
 - (ii) Adjacent land-use.
 - (iii) The extent to which the proposal will be visible from residences, key public places, public viewing points and the Coastal Protection Area.
 - (iv) Design and external appearance.



- (v) Size and scale compatibility with other development in the area, including measures to mitigate the bulk and scale of the activity (e.g. through screening, recessive colours and sensitive design).
- (d) Noise, odour, vibration, dust, earthworks and lighting effects.
- (e) Adverse effects on vegetation.
- (f) Traffic and pedestrian safety effects.
- (g) Consideration of alternative locations and options.
- (h) The extent to which the utility provider has investigated the potential to co-site utility facilities with similar structures or buildings, where practicable
- (i) Locational, operational or technical constraints.
- (j) Cumulative effects.
- (k) Reinstatement of the site at completion of construction.
- (l) The duration, timing and frequency of adverse effects.
- (m) The need for the work and impact on the network levels of service if the work is not undertaken.
- (n) The benefits of the work (nationally, regionally and locally).
- (o) Where appropriate, the extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.

20.5.15 Activities within the National Grid Yard or National Grid Subdivision Corridor

The following assessment matters will be used in assessing land use and subdivision applications for earthworks and buildings within the National Grid Yard, or subdivision within the National Grid Subdivision Corridor.

Subdivision within the National Grid Subdivision Corridor:

- (a) The effects on the ability of Transpower to operate, maintain, upgrade and develop the National Grid, including access to the line.
- (b) The extent to which the design and construction of the subdivision allows for earthworks, building and structures to comply with NZECP34:2001.
- (c) Technical advice provided by Transpower.
- (d) The ability to provide a complying building platform.



- (e) Location, height, scale, orientation and use of the proposed building platform or structure as it relates to the National Grid.
- (f) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity (including amenity and nuisance) effects on the National Grid, including the nature and location of any vegetation to be planted in the vicinity of the National Grid.

Earthworks within 12m of the National Grid Support Structure:

- (g) The effects on the ability of Transpower to operate, maintain, upgrade and develop the National Grid, including access to the line.
- (h) Compliance with NZECP34:2001.
- (i) Technical advice provided by Transpower.
- (j) The risk to the structural integrity of the National Grid.
- (k) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

Building within 20m of the secured yard of a National Grid Substation:

- (l) The effects on the ability of Transpower to operate, maintain, upgrade and develop the transmission network, including access to the National Grid Infrastructure.
- (m) The extent to which the development would minimise the potential reverse sensitivity (including amenity and nuisance) effects on the National Grid.
- (n) The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

20.5.16 Historic Heritage Buildings and Objects

The following assessment matters will be used in assessing land use applications for identified historic heritage buildings and objects listed in Schedule 1A:

- (a) The impact the proposal has on the integrity/values of the heritage building or object.
- (b) The importance attributed to the heritage item by the wider community and Heritage New Zealand.
- (c) The nature, form and extent of development, alteration or change, and degree to which the proposal is consistent with any relevant conservation plan, recommendation, heritage inventory and/or reason for listing by Heritage New Zealand.
- (d) Conservation of the original building/object fabric, including the placement of limitations or restrictions on replacement materials, fittings and fixtures, architectural design and appearances of alterations and additions.
- (e) Provisions of the International Council on Monuments and Sites (ICOMOS) New Zealand Charter where appropriate.
- (f) For additions or alterations, the degree to which the additions or alterations are the minimum necessary to accommodate the continued use of the heritage place.



- (g) For additions and alterations, the degree to which the additions or alterations are compatible with the heritage fabric of the place yet are sufficiently distinct that they can, on inspection, be read as new work.
- (h) For earthworks or new buildings within the heritage setting, the extent to which the existing topography or vegetation will mitigate effects of the proposal on the setting of the heritage building or object.
- (i) Whether the proposed activity is necessary and the minimum necessary to provide for building safety, the adaptive reuse for the ongoing viability and protection of the heritage building or object.
- (j) The extent of any consultation with the appropriate Iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant Iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant Iwi through consultation.
 - (iii) Where appropriate, whether the relevant Iwi has had the opportunity to produce a Cultural Impact Assessment and/or visit the proposed site prior to lodgement of the resource consent application.

20.5.17 Historic Sites and/or Sites of Significance to Tangata Whenua

The following assessment matters will be used in assessing land use applications for identified historic sites or sites of significance to tangata whenua listed in Schedule 1B:

- (a) The impact the proposal has on the integrity/values of the historic site or site of significance to tangata whenua.
- (b) The importance attributed to the item by Heritage New Zealand, tangata whenua and the wider community.
- (c) Whether the applicant has considered alternative development options and provision of protective buffer areas, and whether the proposed activity is designed and located in an area so as to avoid all known historic and archaeological sites.
- (d) Whether the proposed activity avoids affecting a place or area of significance to tangata whenua.
- (e) In relation to an archaeological site, whether the proposed activity or site has been the subject of an archaeological assessment prepared by a professional archaeologist according to Heritage New Zealand guidelines.
- (f) In relation to a historic site that is not an archaeological site, whether the proposed activity has been subject to a heritage or cultural impact assessment.
- (g) The extent to which the proposed activity achieves positive heritage or cultural outcomes by the provision for ongoing physical management including the use of a covenant (e.g. through control of stock, vegetation and soil erosion as guided by expert advice and a conservation plan).

- (h) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
- (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Where appropriate, whether the relevant iwi has had the opportunity to produce a Cultural Impact Assessment and/or visit the proposed site prior to lodgement of the resource consent application.

20.5.18 Notable Trees

The following assessment matters will be used in assessing land use applications for identified notable trees listed on Schedule 4 – Notable Trees.

- (a) The impact the proposal has on the integrity/value of the Notable Tree;
- (b) The importance attributed to the notable tree by the wider community.
- (c) The nature, form and extent of development, alteration or change, and degree to which the proposal is consistent with any relevant Tree Management or Protection Plan, arboricultural recommendation, heritage inventory and/or reason for scheduling of the Notable Tree.
- (d) The extent to which the Notable Tree is conserved as much as practicable, in accordance with arboricultural best practice.
- (e) For partial removal, the degree to which the removal is the minimum necessary to accommodate the ongoing viability, wellbeing and protection of the Notable Tree.
- (f) For earthworks, new buildings or structures within the dripline of a Notable Tree, the extent to which the effects on the notable tree, including potential root damage, will be mitigated.

20.5.19 Remission or Waiver of Financial Contributions

The following assessment matters will be used in assessing whether to grant a remission or waiver of any financial contributions as set out in Section 16:

- (a) Whether the proposal will be of local benefit, either to the physical environment or the local and/or wider community; and
- (b) The activity's impacts on the reserve network and the cost to the Council to avoid, remedy or mitigate these impacts.
- (c) Measures proposed by the developer to enhance an existing reserve or the open space of the locality.
- (d) Other methods proposed by the development to avoid, remedy or mitigate any adverse effects on the reserve network.
- (e) Whether any site of natural, cultural or historic heritage significance can and should be enhanced or protected.



- (f) Whether any allotment or any part of the development is proposed to be connected to the public infrastructure and services.
- (g) The effect of the proposed subdivision or development on the infrastructure and the cost to the Council to avoid, remedy or mitigate these impacts.
- (h) Measures proposed by the developer to upgrade any existing infrastructure.
- (i) Whether any contribution had been previously made towards the establishment or upgrade of the infrastructure.

20.5.20 Indigenous Biodiversity

The following assessment matters will be used in assessing land use applications for the modification, damage, or destruction of indigenous vegetation:

- (a) Actual or potential impacts on the significance of the affected area and on ecological values (including habitat, vegetation and fauna), and cultural, intrinsic and/or amenity values.
- (b) The sustainability of the habitat or area of vegetation proposed to be modified or damaged or any adjoining habitat or area of vegetation to an area proposed to be affected.
- (c) The representativeness of the affected vegetation or habitat and impact on its inter-relationship or continuity with other habitats or areas of indigenous vegetation.
- (d) Whether the affected area retains the presence of rare or distinctive, or threatened or at risk indigenous flora or fauna species.
- (e) Whether the extent of the proposed indigenous vegetation clearance or modification is necessary for the proposed activity.
- (f) Whether the applicant has considered the use of voluntary covenants and protection mechanisms under other legislation.
- (g) Whether the proposed activity would result in a loss of indigenous biodiversity, and the extent to which the proposal remedies, mitigates the loss and where appropriate, offsets residual significant adverse effects within the same ecological context.
- (h) Whether the applicant has applied any nationally accepted guidance on biodiversity offsetting to achieve 'no net loss' or a net gain of indigenous biodiversity where significant adverse effects cannot be avoided, remedied and mitigated.
- (i) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.

20.5.21 Coastal Environment

The following assessment matters will be used in assessing land use applications for activities in or affecting the Coastal Protection Area:

- (a) Compatibility with the existing level of modification of the natural character of the coastal environment.
- (b) Whether the scale, location and design of subdivision, use and development in the coastal environment preserves natural character values and sustains open space, public access and amenity values of the coastal environment.
- (c) The degree to which the activity will disrupt biological and physical processes.
- (d) The presence of significant indigenous vegetation or significant habitats of indigenous fauna.
- (e) Whether the proposed activity affects cultural landscapes and/or sites of significance to tangata whenua.
- (f) The extent to which the activity recognises and provides for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
- (g) Provision of public amenity and access to land acquired by the Council for reserve purposes.
- (h) The degree to which indigenous biodiversity offsetting can be used to offset potential or actual unavoidable adverse effects.
- (i) The functional requirements for some activities to be located in the coastal environment, such as network utilities, gas and liquid petroleum pipelines, and community infrastructure (e.g. surf clubs, boat sheds, and services for existing coastal settlements).
- (j) The presence of identified areas of outstanding natural character or outstanding natural landscapes/features.
- (k) Whether the activity maintains or enhances public access and recreational opportunities (e.g. through the provision of esplanade reserves or strips adjacent to the coastal marine area).
- (l) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.

20.5.22 Outstanding Natural Features and Landscapes

The following assessment matters will be used in assessing land use applications for activities in or affecting Outstanding Natural Features or Landscapes:

- (a) The value, importance or significance of the natural feature or landscape at the local, regional or national level.



- (b) The degree and significance of actual or potential adverse effects (including cumulative effects) on Outstanding Natural Features/Landscapes and the efficacy of measures to avoid, remedy or mitigate such effects.
- (c) The benefits derived from the proposed activity at the local, regional and national level.
- (d) The extent to which the proposed activity recognises and provides for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
- (e) The need for the proposed activity to occur in the particular location.
- (f) The degree of modification of the existing Outstanding Natural Feature/Landscape, its sensitivity or vulnerability to change, or capacity to accommodate change without compromising the values of the feature or landscape.
- (g) The extent of any consultation with the appropriate iwi having regard to Kaitiakitanga, and taking into account the principles of the Treaty of Waitangi, including:
 - (i) Whether the applicant has had regard to the matters raised by the relevant iwi during consultation.
 - (ii) Whether the applicant has addressed any adverse effects raised by the relevant iwi through consultation.
 - (iii) Whether the relevant iwi has had the opportunity to visit the proposed development site prior to lodgement of the resource consent application.

20.5.23 Temporary Military Training Activities

The following assessment matters will be used in assessing land use applications for temporary military training activities:

- (a) The noise impact on noise sensitive activities, stock and wildlife, including the peak sound levels resulting from impulsive noise.
- (b) The provision of a noise management plan that specifically identifies the likely noise impacts for the activity and describes the measures to avoid, remedy or mitigate these.
- (c) The programme for notification and communication with occupiers and owners of affected sites prior to the activities commencing, including updates during the event.
- (d) The method for following up any complaints received during or after the event, including communications with the Council.

20.5.24 Temporary Activities

The following assessment matters will be used in assessing land use applications for temporary activities:

1. Temporary Activities carnivals, bazaars, markets, public meetings and private functions and associated ancillary temporary buildings or other structures including tents:
 - (a) Adverse effects on the amenities of the neighbourhood, which may relate to the nature, duration, hours of operation and frequency of the activity.



- (b) Adverse effects on adjoining properties from noise, overshadowing, privacy or loss of visual amenity.
- (c) The impact on the road network and traffic safety in the vicinity of the site.
- (d) Whether the building can comply with other standards for buildings in the relevant zone.

2. Temporary Filming Activities

- (a) Adverse effects associated with non-compliance with noise, hours of operation, lighting, building location or scale, vegetation clearance or earthworks rules in the zone in which the filming is to take place.
- (b) Adverse effects on sensitive sites and values, including Heritage Site or Site of Significance to Tangata Whenua in Schedule 1B, Significant Natural Areas in Schedule 2, and/or an Area of Outstanding Natural Character/Features and Landscapes in Schedule 8.
- (c) The duration and hours of operation of the temporary filming activity.
- (d) The size and positioning of temporary buildings and structures.
- (e) The provision of safe and efficient vehicular access
- (f) The effects of carparking for staff, service delivery and customers or the public (when provided).
- (g) Where appropriate, the provision of safe pedestrian entry and exit.
- (h) The provision for waste collection, storage and site clean-up.
- (i) The actual and potential adverse effects on the amenity of the surrounding environment, and any measures to avoid, remedy or mitigate these effects.
- (j) The actual and potential adverse effects on the safety and efficiency of the road network, and any measures to avoid, remedy or mitigate these effects.
- (k) The actual and potential adverse effects on recreation, heritage or cultural values, and any measures to avoid, remedy or mitigate these effects.

20.5.25 Relocated Buildings

The following assessment matters will be used in assessing land use applications for relocated buildings:

- (a) The extent of work to the exterior of the relocated building to bring the building up to a standard similar to surrounding buildings. In addition, where there is historical damage or damage caused by transportation, it is expected that such damage will be repaired. It is not necessary for the building to be renovated to a standard equivalent to a new building.
- (b) Whether the proposed work on the exterior of the building includes some or all of the following.
 - (i) Repair and replacement of broken windows and window frames.
 - (ii) Repair of rotten weatherboards or other damaged wall cladding.
 - (iii) Necessary replacement or repair of roof materials.
 - (iv) Cleaning and/or painting of the exterior e.g. roof, walls, window frames etc.

- (v) Replacement and painting of baseboards or other foundation cladding.
- (vi) Installation, repair or replacement of spouting or down pipes.
- (vii) Replacement of steps, porches and chimneys.
- (c) The ability of any works to the exterior of the relocated building to be completed within a reasonable timeframe. The timeframe shall be dependent upon the scale of works required.
- (d) Whether the site and access to the site will be constructed and reinstated so there are no adverse visual effects of the relocation of the building.
- (e) The environmental benefits of the re-use of buildings.
- (f) Site layout and topography.
- (g) Final design and appearance of the relocated building.
- (h) Whether a performance bond should be required as a guarantee that external reinstatement works are completed.

20.5.26 Signs

The following assessment matters will be used in assessing land use applications for signage:

1. Visual Amenity
 - (a) The extent to which the sign will have any adverse effects on the visual amenities and character of the locality, site or structure to which the sign will be attached.
 - (b) For signs attached to, or located in the same site as, any heritage building listed on Schedule 1A, effects on historic heritage values.
 - (c) The need for any extra signage in addition to the permitted signage for the zone.
 - (d) Any likely cumulative effects of allowing the sign to be erected.
 - (e) The need to impose conditions relating to the location, design and appearance of the sign and the period for which it may be erected, or operated.
2. Traffic and Pedestrian Safety
 - (a) The extent to which the sign may be an obstruction to sight distances, traffic signs or signals, or unnecessarily intrude into a driver's field of vision or cause a distraction that affects safety for road users.
 - (b) The extent to which the sign may physically obstruct vehicles or pedestrians.
 - (c) The potential to affect public safety at railway crossings and along the rail corridor.
 - (d) The potential adverse effects of the proposed sign on drivers' concentration under all possible weather conditions.
 - (e) The potential adverse effect of the sign on drivers who may have medical conditions or impairments which may reduce or affect safety.



- (f) The extent that any sign resembles a traffic control sign, warning device, or signal, or may make a traffic control sign or signal difficult to discern, with respect to both colour and shape, when considered from all possible driving angles.

This includes signs which:

- (i) Provide a confusing or dominating background, which could reduce the clarity or effectiveness of a traffic sign or signal;
 - (ii) Invite drivers to turn, but are sited in such proximity to the vehicle entrance that there is no time to signal, slow down and turn safely;
 - (iii) Contain reflectors or flashing lights and therefore have the potential to be confused with traffic control signs or signals at night.
- (g) Proximity to other signs and intersections and potential adverse effects on the safety of road users including pedestrians.
- (h) The effect on driver safety and concentration as a result of reduced lettering sizes or more than the permitted number of words and symbols, or the nature of the text, lettering, and fonts and images that could make interpretation of the sign difficult while driving.

20.5.27 Sensitive Activities on Sites Near Other Activities and Infrastructure

An assessment of the reverse sensitivity effects arising from a sensitive activity being located near an existing other activity or infrastructure shall be made that includes consideration of the following:

- (a) The frequency, character and intensity of the relevant adverse effect
- (b) The degree of effect on the relevant existing activity in its particular environment having regard to such factors as noise and visual amenity; and
- (c) Whether the potential reverse sensitivity effects can be mitigated by way of conditions including but not limited to design, building orientation and insulation, earthworks, planting or moving the proposal (either by increasing the separation from the relevant existing or consenting activity, or by changing the orientation of the relevant existing activity).

20.5.28 Sensitive Activities Near Petroleum Exploration or Petroleum Production Activity

An assessment of the risks to human health and risks of reverse sensitivity where a new sensitive activity is proposed within a Petroleum Activity Risk Contour or the additional setbacks/requirements from a petroleum exploration or petroleum production activity, the following information will be required:

- (a) The nature, magnitude and extent of risks of an emergency event from the petroleum exploration or petroleum production activity, including whether the proposed new sensitive activity is sited outside the area of unacceptable risk (1×10^{-6});
- (b) Consultation with the operator of the existing petroleum exploration or petroleum production activity, and their view on the nature and location of the proposed new sensitive activity in terms of level of risk and potential reverse sensitivity effects.

Appendix 2 – Recommended Decisions on Submissions to Plan Change 3: Papakāinga Development

Section 1: Introduction And Definitions

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
7.1	Ngāti Hāua Hapū	Amend	Provide section describing tangata whenua in the Taranaki ki te Tonga rohe. This could include iwi, hapū and marae, as well as PSGEs.	The introduction provides useful context for the purpose and statutory requirements for the District Plan. It identifies the relationship of the District Plan with other key documents. The introduction also provides the Council waiata with no context for the waiata or its meaning. It would be appropriate in this section to describe tangata whenua in the rohe to provide context to the plan user, rather than providing as part of the objectives and policies.	Scope unclear	Table 1

Section 1: Introduction And Definitions > 1.6 Cross Referencing Table

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.7	Te Korowai o Ngāruahine Trust	Amend	Amend the wording of sections 2.1 – 2.4, including addition or amendments to objectives and policies to accurately reflect the tangata whenua context in these environments. Consequential amendments may be required to the relevant sections of the cross referencing table.	The takiwā of Ngāruahine is vast and varied. The land use activities and explanation of policies must make reference to ancestral land, tangata whenua and the scarce nature of whenua Māori and Māori land as a resource. In addition to our marae, these are all features which form part of the character and amenity of those zones. In the absence of these details in the descriptions, the explanation of the zone and the application of the objectives and policies and assessment criteria are incorrect.	Reject	Key Issue 4 (Objectives and Policies)
FS12.16	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Reject	

Section 1: Introduction And Definitions > 1.11 Definitions

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.1	Parinihihi Ki Waitōtara Incorporation	Amend	Amend the definition of General Title Land (In Relation to Papakāinga Development) to include a range of other Māori ownership structures, including Māori Land Trusts and Māori Incorporations.	The Plan Change introduces a definition for General Title Land: <i>GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993.</i> Seek inclusion of other Māori ownership structures within the definition, including Māori Incorporations and Māori Land Trusts.	Reject	Key Issue 2
FS12.1	Ngāti Hāua Hapū	Support	Allow the submission subject to further engagement with Ngāti Hāua Hapū.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū to extend the definition of General Title Land and the types of whenua on which papakāinga can be developed.	Reject	
2.2	Parinihihi Ki Waitōtara Incorporation	Amend	Amend the definition of Papakāinga Development to be include other Māori ownership structures, including Māori Land Trusts and Māori Incorporations.	Papakāinga Development is defined as follows: <i>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other</i>	Accept in part	Key Issue 2

				<p><i>community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993).</i></p> <p>Seek inclusion of other Māori ownership structures within the definition, including Māori Incorporations and Māori Land Trusts.</p>		
FS12.2	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Support the broadening of the definition; however, does not align with the original submission of Ngāti Hāua Hapū to extend the definition of Papakāinga Development and the types of whenua on which papakāinga can be developed.	Accept in part	
2.3	Parinihihi Ki Waitōtara Incorporation	Support	Retain the definition of Papakāinga Development on General Title Land, subject to the amendment of the definition of General Title Land (In Relation to Papakāinga Development) as sought above.	<p>Definition for Papakāinga Development on General Title Land:</p> <p><i>PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.</i></p> <p>This is supported subject to an amendment to the General Title Land definition to enable Papakāinga Development on other Māori ownership structures, including Māori Land Trusts Māori and Incorporations.</p>	Reject	Key Issue 2
FS12.3	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Accept in part	
3.1	Te Korowai o Ngāruahine Trust	Oppose	Delete definition of ANCESTRAL LAND.	The Plan Change proposes to introduce a definition of ANCESTRAL LAND. The justification for the need for the definition is unclear and is considered to be unnecessary. Te Korowai are of the opinion that the definition adds no value to the interpretation of the Plan.	Accept in part	Key Issue 1
FS12.10	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept in part	
3.2	Te Korowai o Ngāruahine Trust	Oppose	Propose a new definition encompassing the relationship that hapū, iwi, marae, whānau and uri, have with their ancestral lands. Include in the definition land returned by Treaty Settlement.	The Plan Change proposes to add a definition of GENERAL TITLE LAND (IN RELATION TO PAPAKĀINGA DEVELOPMENT). Te Korowai consider this definition is too narrow and does not capture the range of land tenures in iwi, hapū, whānau, uri and trust ownership. Specifically for Te Korowai, land reacquired through the Treaty Settlement process and the Whenua Reacquisition Programme with Ngā Hapū o Ngāruahine. A new definition is required that reflects the types of whenua included for papakāinga and those excluded (when interpreting the rule framework). This is consistent with advice Te Korowai provided to Ngā Kaitiaki Roopū.	Accept in part (insofar as the definition is intentionally broad to capture a range of land tenures)	Key Issue 2
FS11.1	Parinihihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the expansion of the definition of General Title Land.	Accept in part	
FS12.11	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept in part	
3.3	Te Korowai o Ngāruahine Trust	Amend	<p>Amend the wording of the definition of MARAE.</p> <p>Correction of errors in relation to Schedule 7.</p> <p>Provide the definition of MARAE in te reo Māori.</p>	<p>There are eight existing marae in Ngāruahine takiwā (detailed in Schedule 7), many have recently been re-developed or are currently under redevelopment. All of our marae are located within the Rural Zone; however, this does not preclude further marae being developed across the takiwā. Our marae provide for diverse activities and uses. The definition of marae must be broad enough to ensure it captures all activities that are and could be undertaken on marae.</p> <p>In accordance with the Ngāruahinetanga pou and Te Uru Taiao o Ngāruahine, the definition of MARAE should be provided in te reo Māori.</p>	Scope unclear	Table 1
FS12.12	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Scope unclear	

3.4	Te Korowai o Ngāruahine Trust	Oppose	Amend the definition of PAKĀINGA DEVELOPMENT, ensuring Papakāinga, are comprehensive developments and use of whenua. Amend the definition to remove reference to land tenure. Propose a new definition broadening the inclusions for whenua identified for papakāinga, including Treaty Settlement whenua.	Papakāinga are comprehensive developments which enable whānau to use the whenua in a way they can live in accordance with their aspirations. The Plan Change proposes some amendments to the existing definition of PAKĀINGA DEVELOPMENT. Te Korowai consider the definition of PAKĀINGA DEVELOPMENT should be amended to not reference land tenure. A new definition is sought which broadens the inclusions for whenua identified for papakāinga, including Treaty Settlement whenua. This will ensure the rule framework does the heavy lifting instead of the definitions themselves.	Accept in part	Key Issue 2
FS11.2	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure.	Accept in part	
FS12.13	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept in part	
3.5	Te Korowai o Ngāruahine Trust	Oppose	Delete definition of PAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND. Propose a new definition broadening the inclusions and exclusions for whenua identified for papakāinga, including Treaty Settlement whenua.	The Plan Change proposes to add a definition of PAKĀINGA ON GENERAL TITLE LAND. Te Korowai consider this definition is unnecessary and does not capture the range of land tenures in iwi, hapū, whānau, uri and trust ownership. Specifically for Te Korowai, land reacquired through the Treaty Settlement process and the Whenua Reacquisition Programme with Ngā Hapū o Ngāruahine. A new definition is required that reflects the types of whenua included for papakāinga and those excluded (when interpreting the rule framework). This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.	Accept	Key Issue 2
FS11.3	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure.	Accept in part	
FS12.14	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept in part	
4.1	Health New Zealand / Te Whatu Ora	Amend	Ensure the Papakāinga Development definition is clear and incorporates a broad understanding of what papakāinga and 'home' represent to Māori.	To protect and enhance public health.	Reject	Key Issue 4 (Definitions)
FS12.24	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Reject	
5.1	Kāinga Ora	Support	Retain the Ancestral Land definition as notified.	Kāinga Ora supports the Ancestral Land definition.	Accept in part	Key issue 1
FS11.13	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Oppose in Part the submission to retain the definitions as notified. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for General Title Land (in relation to Papakāinga), Papakāinga Development and Papakāinga Development on General Title Land.	Accept in part	
FS12.28	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Accept in part	
5.2	Kāinga Ora	Support	Retain the General Title Land (In Relation to Papakāinga Development) definition as notified.	Kāinga Ora supports the General Title Land (In Relation to Papakāinga Development) definition.	Accept in part	Key Issue 2

FS11.14	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Oppose in Part the submission to retain the definitions as notified. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for General Title Land (in relation to Papakāinga), Papakāinga Development and Papakāinga Development on General Title Land.	Accept in part	
FS12.29	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Accept in part	
5.3	Kāinga Ora	Amend	MARAE: means the land and buildings for the use of a Māori community family, hapū or tribe, and includes wharenuī (meeting house), wharekai (dining rooms), wharepaku (ablution blocks inclusive of toilets, showers and changing rooms), wharekarakia (church), and other marae-based facilities, such as papakāinga development, community activities, kohanga, childcare activities, and health care facilities, and urupā. <u>education, homebased business and associated commercial activities.</u>	Kāinga Ora supports this definition, however, considers that it could be expanded to provide for education, home based business and associated commercial activities which provide for Māori social, economic and cultural wellbeing.	Scope unclear	Table 1
FS12.30	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Support the broadening of the definition as sought by Ngāti Hāua Hapū; however, unsure what jurisdiction Kāinga Ora have to make submissions on what ‘marae’ are.	Scope unclear	
5.4	Kāinga Ora	Amend	PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres, <u>education, homebased business and associated commercial activities</u> and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993) <u>and general title land.</u>	Kāinga Ora supports this definition, however, considers that it could be expanded to provide for education, home based business and associated commercial activities, which provide for Māori social, economic and cultural wellbeing. Kāinga Ora also seeks the inclusion of general title land as part of the definition, papakāinga and associated activities should be a provided for on both Māori Title Land and general title land.	Accept in part	Key Issue 4 (Definitions)
FS11.15	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission. Parininihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Accept in part	
FS12.31	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Support the broadening of the definition as sought by Ngāti Hāua Hapū; however, Ngāti Hāua Hapū consider the definition proposed is not broad enough consistent with our submission.	Accept in part	
5.5	Kāinga Ora	Oppose	PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres, and other community building and recreation facilities on general title land that is owned by Māori.	Consistent with submission point 4 above, Kāinga Ora seeks the deletion of this definition, papakāinga and associated activities should be a provided for on both Māori Title Land and general title land.	Accept	Key Issue 2
FS11.16	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission. Parininihi ki Waitōtara seek inclusion within the wording to extend to other Māori ownership structures.	Accept	

FS12.32	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Accept	
6.1	Ngā Mahanga Hapū	Oppose	Unclear what role this definition of Ancestral Land plays within the plan. Remove the definition of Ancestral Land.	The Plan Change proposes to introduce a definition of Ancestral Land. This definition is not used anywhere else within the plan.	Accept in part	Key Issue 1
FS12.44	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Accept in part	
6.2	Ngā Mahanga Hapū	Amend	Amend the definition of General Title Land (In Relation to Papakāinga Development) to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.	<p>The Plan Change introduces a definition for General Title Land:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.</i></p> <p>This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership under a different construct.</p>	Accept in part	Key Issue 2
FS11.28	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the expansion of the definition of General Title Land.	Accept in part	
FS12.45	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Accept in part	
6.3	Ngā Mahanga Hapū	Amend	Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles.	<p>Papakāinga Development is defined as follows:</p> <p><i>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993).</i></p> <p>This definition needs to be amended to provide for a range of other land tenures as per above.</p>	Accept in part	Key Issue 2
FS11.29	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission in seeking to broaden the definition of Papakāinga to include other land tenure.	Accept in part	
FS12.46	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Ngāti Hāua Hapū support the broadening of the definition; however, do consider the rule framework should do the heavy lifting in reference to land tenure, instead of the definitions.	Accept in part	
6.4	Ngā Mahanga Hapū	Support	Retain the definition of Papakāinga Development on General Title Land.	<p>A new definition for Papakāinga Development on General Title Land is introduced as follows:</p> <p><i>PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.</i></p> <p>This is supported on the basis that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau.</p>	Accept in part	Key Issue 2

FS11.30	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission in seeking to broaden the definition of Papakāinga to include other land tenure.	Accept in part	
FS12.47	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū in relation to this definition.	Reject	
7.2	Ngāti Hāua Hapū	Oppose	<p>Clarity is sought in regard to the necessity of the definition of ANCESTRAL LAND. Ngāti Hāua do not consider the definition is required and should be deleted. If required, the definition must be empowering for tangata whenua and our relationship with our ancestral lands and alternative wording is sought.</p> <p>Consistent use of te reo Māori throughout the District Plan including the definition of ANCESTRAL LAND.</p> <p>Ensure words and terms throughout the Plan are easily identified as being defined in the Definitions section. Ngāti Hāua suggest the use of defined words as underlined, bolded or italics to clearly set out which words are defined and which are not.</p>	<p>Ngāti Hāua understand there are large amounts of case law regarding ANCESTRAL LAND in Aotearoa. 'Ownership' has the potential to undermine, diminish and narrow the relationship Māori have with our ancestral lands, particularly the application of sections 6(e), 7(a) and 8 of the RMA.</p> <p>The justification for the need for the definition is unclear. It does not appear to add any value and is not required to interpret the objectives and policies and/ or the rule framework.</p> <p>Further to this, consistent te reo Māori should be utilised throughout the Plan.</p> <p>It is difficult when using the Plan to understand what words are defined in the Definitions chapter.</p>	<p>Accept in part</p> <p>Accept in part</p>	<p>Key Issue 1</p> <p>Key Issue 4 (Wording)</p>
7.3	Ngāti Hāua Hapū	Oppose	<p>Delete General Title Land (In Relation to Papakāinga Development) definition and amend rule framework. Propose a new definition encompassing the relationship that hapū, iwi, marae, whānau and uri, as well as PSGEs, have with their ancestral lands. Alternatively, amend definition to avoid confusion.</p>	<p>The proposed addition of this definition to the Plan creates unnecessary complexities, in addition to confusion. It is unclear if the definition is identifying both General land owned by Māori and General land. The definition does a lot of 'heavy lifting' and could create confusion referencing land tenure through the Plan.</p> <p>Ngāti Hāua Hapū are also concerned that if they reacquire whenua in the future, and it is within the Rural Zone, there is a risk that the papakāinga framework would be unavailable to them due to the rule framework not permitting it on General Title Land (see submission on the definition).</p> <p>Whilst Ngāti Hāua understand the Council's intention is to empower tangata whenua to provide papakāinga and restrict developers being able to utilise the papakāinga provisions for their own gain, the wording will have unintended consequences for Ngāti Hāua Hapū and whānau Māori.</p>	Accept in part	Key Issue 2
7.4	Ngāti Hāua Hapū	Amend	<p>Amend the wording of the definition of MARAE. Correction of errors in relation to Schedule 7. Provide the definition of MARAE in te reo Māori.</p>	<p>Ngāti Hāua Hapū are not entirely sure of the purpose of Schedule 7: Marae and note there are errors in this in relation to their two Marae.</p> <p>Ngāti Hāua Hapū support the addition of 'urupā' to the definition; however, it should be noted that urupā may not always be associated directly with marae i.e. not on the same whenua. They also request the definition be in te reo Māori given marae are features of Te Ao Māori. This is consistent the Ngāti Hāua Hapū reo Māori strategy 'Whakatipuria hei kauwae parāoa', section 6(e) of the RMA and Te Uru Taiao o Ngāruahine.</p> <p>For consistency within the Plan they recommend the addition of 'reo' to kohanga, to read 'kohanga reo' (see the Childcare Facility definition).</p>	Scope unclear	Table 1

7.5	Ngāti Hāua Hapū	Oppose	<p>Amend the definition of PAKĀINGA DEVELOPMENT, ensuring Papakāinga, are comprehensive developments and use of whenua, can be undertaken on whenua and in the takiwā where Ngāti Hāua have a relationship.</p> <p>Amend the PAKĀINGA definition to remove reference to land tenure. Propose a new definition encompassing the relationship that Ngāti Hāua and our uri, have with our ancestral lands. For the purposes of providing clarity in this submission, the definition could for example be described as Whenua Māori.</p>	<p>Ngāti Hāua Hapū are concerned that describing the types of activities and uses within the definition could limit how papakāinga are built and lived.</p> <p>Ngāti Hāua are opposed to the reference to land tenure in the definition. In our opinion, the definition as worded is having to do a lot of unnecessary 'heavy lifting' on its own, particularly in the absence of a specific Special Purpose Māori Purpose Zone.</p> <p>Māori land is, unfortunately, complex in nature often with multiple owners.</p> <p>They acknowledge their support for enabling papakāinga, and wish for further changes to empower them to use their whenua in the least encumbered way possible, in line with our aspirations, irrelevant of underlying tenure.</p> <p>They recommend the addition of a new definition that enables the relationship of Ngāti Hāua with our ancestral lands to be recognised and provided for through Papakāinga, in the absence of a Special Purpose Zone. They also request a definition be provided in te reo Māori given papakāinga are features of Te Ao Māori.</p>	Accept in part	Key Issue 2
FS11.37	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	I Support the submission in seeking to remove reference to land tenure.	Accept in part	
7.6	Ngāti Hāua Hapū	Oppose	Delete definition of PAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND.	<p>The proposed addition of this definition to the Plan creates unnecessary complexities, in addition to confusion. It is unclear if the definition is identifying both General land owned by Māori and General land.</p> <p>It is considered more appropriate that what is being sought under the definition is managed through the rule framework wording. This is consistent with the alternative wording sought through the definition of PAKĀINGA DEVELOPMENT.</p> <p>Whilst Ngāti Hāua understand the Council's intention is to empower tangata whenua to provide papakāinga and restrict developers being able to utilise the papakāinga provisions for their own gain, the wording will have unintended consequences for Ngāti Hāua Hapū and whānau Māori.</p>	Accept	Key Issue 2
9.1	Te Kahui o Taranaki Trust	Oppose	Remove the definition of Ancestral Land.	The Plan Change proposes to introduce a definition of Ancestral Land, however this is the only place within the plan where this term is used, and it is not clear what the role of this definition is in respect to the Plan Change.	Accept in part	Key Issue 1
FS10.8	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.	<p>The Plan Change proposes to introduce a definition of Ancestral Land, however this is the only place within the plan where this term is used, and it is not clear what the role of this definition is in respect to the Plan Change.</p> <p>Remove the definition of Ancestral Land.</p>	Accept in part	
FS12.54	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Accept in part	
9.2	Te Kahui o Taranaki Trust	Amend	Amend the definition of General Title Land to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or	The Plan Change introduces a definition for General Title Land as follows:	Accept in part	Key Issue 2

			<p>titles. Potential wording for the definition as follows:</p> <p><i>GENERAL TITLE LAND (IN RELATION TO PAPA KĀINGA DEVELOPMENT): means land that is owned by Māori but which is not:</i></p> <ol style="list-style-type: none"> <i>1. held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993; or</i> <i>2. General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or</i> <i>3. General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or</i> <i>4. General land owned by a legally incorporated Hapū entity; or</i> <i>5. General land owned by an Iwi Authority, settlement trust or subsidiary entity; or</i> <i>6. Cultural redress properties; or</i> <i>7. Commercial redress properties including:</i> <ol style="list-style-type: none"> <i>a. Properties returned via deferred selection,</i> <i>b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and</i> <i>c. Properties transferred to a company in which the claimant group holds a controlling interest.</i> <p>And any other consequential changes or amendments to the plan in accordance with this relief.</p>	<p><i>GENERAL TITLE LAND (IN RELATION TO PAPA KĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.</i></p> <p>This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership.</p>		
FS10.1	Ngahina Capper	Support	<p>I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.</p>	<p>Support in part.</p> <p>The Plan Change introduces a definition for General Title Land as follows: <i>GENERAL TITLE LAND (IN RELATION TO PAPA KĀINGA DEVELOPMENT): means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.</i> This definition needs to include a number of other exclusions for general title land to recognise properties returned through Treaty Settlement Process, or that remain in iwi, hapū or whānau ownership.</p>	Accept in part	

				Amend the definition of General Title Land to exclude a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Potential wording for the definition as follows: GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA DEVELOPMENT): means land that is owned by Māori but which is not: 1. held under Te Ture Whenua Māori Act 1993/Māori Land Act 1993.; or 2. General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or 3. General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or 4. General land owned by a legally incorporated Hapū entity; or 5. General land owned by an Iwi Authority, settlement trust or subsidiary entity; or 6. Cultural redress properties; or 7. Commercial redress properties including: a. Properties returned via deferred selection, b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and c. Properties transferred to a company in which the claimant group holds a controlling interest. And any other consequential changes or amendments to the plan in accordance with this relief.		
FS11.40	Parinihihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the expansion of the definition of General Title Land.	Accept in part	
FS12.55	Ngāti Hāua Hapū	Support	Allow the submission in part, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Generally support the intent of the submission; however, Ngāti Hāua Hapū consider the definition title should be changed consistent with our original submissions.	Accept in part	
9.3	Te Kahui o Taranaki Trust	Amend	<p>Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Potential amended wording as follows:</p> <p><i>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on:</i></p> <p><i>1. Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993); <u>or</u></i></p> <p><i><u>2. General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or</u></i></p> <p><i><u>3. General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust</u></i></p>	<p>Papakāinga Development is defined as follows:</p> <p><i>PAPAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993).</i></p> <p>This definition must be amended to provide for a range of other land tenures associated with mana whenua iwi, hapū or whānau entities within the District to develop Papakāinga within the scope of this definition.</p>	Accept in part	Key Issue 2

			<p><u>board, Marae committee or other similar legally incorporated Māori entity; or</u></p> <p><u>4. General land owned by a legally incorporated Hapū entity; or</u></p> <p><u>5. General land owned by an Iwi Authority, settlement trust or subsidiary entity; or</u></p> <p><u>6. Cultural redress properties; or</u></p> <p><u>7. Commercial redress properties including:</u> <u>a. Properties returned via deferred selection,</u> <u>b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and</u> <u>c. Properties transferred to a company in which the claimant group holds a controlling interest.</u></p> <p>And any other consequential changes or amendments to the plan in accordance with this relief.</p>			
FS10.2	Ngahina Capper	Support	<p>I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.</p>	<p>Support in part.</p> <p>Papakāinga Development is defined as follows: PAKAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993). This definition must be amended to provide for a range of other land tenures associated with mana whenua iwi, hapū or whānau entities within the District to develop Papakāinga within the scope of this definition.</p> <p>Amend the definition of Papakāinga Development to be inclusive of a range of other typical mana whenua iwi, hapū or whānau ownership structures or titles. Potential amended wording as follows: PAKAKĀINGA DEVELOPMENT: means the integrated development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on: 1. Māori freehold land, Māori customary land and Crown land reserved for Māori (as defined in Te Ture Whenua Māori Act 1993/Māori Land Act 1993); or 2. General Land that ceased to be Māori Freehold Land under Part 1 of the Māori Affairs Amendment Act 1967; and which is still owned by the persons or their descendants, who owned the land immediately before the land ceased to be Māori Freehold Land; or 3. General land that is beneficially owned by 10 or more Māori – either individually or through whānau trust, Māori incorporation, Māori trust board, Marae committee or other similar legally incorporated Māori entity; or 4. General land owned by a legally incorporated Hapū entity; or 5. General land owned by an Iwi Authority, settlement trust or subsidiary entity; or 6. Cultural redress properties; or 7. Commercial redress properties including: a. Properties returned via deferred selection, b. Properties transferred to other iwi, hapū or whānau entities associated with the claimant group; and c. Properties transferred to a company in which the claimant group holds a controlling interest. And any other consequential changes or amendments to the plan in accordance with this relief.</p>	Accept in part	

FS11.41	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission in seeking to broaden the definition of Papakāinga to include other land tenure.	Accept in part	
FS12.56	Ngāti Hāua Hapū	Support	Allow the submission in part, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Generally support the intent of the submission; however, Ngāti Hāua Hapū consider the definition title should be changed consistent with our original submissions.	Accept in part	
9.4	Te Kahui o Taranaki Trust	Support	Retain the definition of Papakāinga Development on General Title Land.	A new definition for Papakāinga Development on General Title Land is introduced as follows: <i>PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori.</i> This is supported with the caveat that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau.	Reject	Key Issue 2
FS10.3	Nghahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.	A new definition for Papakāinga Development on General Title Land is introduced as follows: PAPAKĀINGA DEVELOPMENT ON GENERAL TITLE LAND: means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is owned by Māori. This is supported with the caveat that amendment to General Title Land definitions are made to enable papakāinga to be built on the range of land tenures associated with mana whenua iwi, hapū or whānau. Retain the definition of Papakāinga Development on General Title.	Reject	
FS11.42	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission in seeking to broaden the definition of Papakāinga to include other land tenure.	Accept in part	
FS12.57	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū in relation to this definition.	Accept in part	

Section 2: Objectives And Policies

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.6	Te Korowai o Ngāruahine Trust	Amend	Amend the wording of sections 2.1 – 2.4, including addition or amendments to objectives and policies to accurately reflect the tangata whenua context in these environments. Consequential amendments may be required to the relevant sections of the cross referencing table.	The takiwā of Ngāruahine is vast and varied. The land use activities and explanation of policies must make reference to ancestral land, tangata whenua and the scarce nature of whenua Māori and Māori land as a resource. In addition to our marae, these are all features which form part of the character and amenity of those zones. In the absence of these details in the descriptions, the explanation of the zone and the application of the objectives and policies and assessment criteria are incorrect.	Reject	Key Issue 4 (Objectives and Policies)
FS12.15	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Reject	
7.7	Ngāti Hāua Hapū	Amend	Amend the wording of section 2.1, including addition or amendments to objectives and policies.	Section 2.1 land use activities and explanation of policies makes no reference to ancestral land, tangata whenua, the scarcity of Māori land as a resource, the muru me te raupatu, marae (including Schedule 7), other uses of whenua Māori by tangata whenua, hapū, iwi and Māori and the landscape from a tangata whenua perspective, including Taranaki	Reject	Key Issue 4 (Objectives and Policies)

			<p>Consequential amendments may be required for 2.2-2.5 and the relevant sections of the cross-referencing table.</p>	<p>Maunga and Te Papa-Kura-o-Taranaki. Amendments may also be required for sections 2.2, 2.3, 2.4 and 2.5.</p> <p>In the absence of any of these references, the objectives and policies in Section 2.1 and the explanation of the Zone and the policies are flawed and a complete understanding of the Zone and the environment is not provided for.</p> <p>Ngāti Hāua consider reference to those matters described above are required to ensure Plan users undertake use and development of the area in a way that they understand the environment they live, work and play in, including that papakāinga have, do and will exist in the area. Description of these matters, uses and features are required to recognise and provide for the relationship of Ngāti Hāua with our ancestral lands and our activities including papakāinga.</p> <p>This will also ensure alignment with the tangata whenua objectives and policies which Ngāti Hāua understand will be given more weight in the assessment of the rules in the rule framework. Those objectives and policies will be given more weight than the Zone objective and policies. This change may also require consequential changes in the Cross-Referencing Table.</p>		
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Section 2: Objectives And Policies > Section 2.7 Tangata Whenua

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
4.2	Health New Zealand / Te Whatu Ora	Not Stated	Ensure that there is a focus on increasing health and wellbeing outcomes when the provisions of this plan change are applied to applications for developments, including addressing social determinants of health and increasing the availability of healthy housing for Māori as well as enabling Māori whānau and hapū to live in a way that reflects their own priorities and aspirations.	To protect and enhance public health.	Accept in part	Key Issue 4 (Health and Wellbeing)
FS12.25	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Accept in part	
5.11	Kāinga Ora	Support	Retain the Methodology of Implementation in Section 2.7 Tangata Whenua as notified.	Kāinga Ora supports the methodology in providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.	Accept in part	Key Issue 2
FS11.19	Parinihi Ki Waitōtara Incorporation	Support	Allowed	Support in Part the submission. Parinihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Accept in part	
FS12.38	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Accept in part	

Section 2: Objectives And Policies > Section 2.7 Tangata Whenua > Issues

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant section of S42A Report
2.13	Parinihihi Ki Waitōtara Incorporation	Amend	Amend and provide new wording for Issue 2.7.5 to enable the collaboration of Māori Incorporations and Māori Land Trusts in supporting Iwi, hapū and whānau with Papakāinga Development.	Clarity is sought in relation to 2.7.5: Issues 2.7.5 Providing for development by Iwi, hapū and whānau (e.g. Marae, papakāinga housing) that enhances their social, cultural and economic well-being while sustainably managing the environment. Seek inclusion within wording to extend to other Māori ownership structures, include Māori Incorporations and Māori Land Trusts.	Reject	Key Issue 2
FS12.7	Ngāti Hāua Hapū	Oppose	Disallow the submissions.	Oppose – Ngāti Hāua are concerned the policy wording proposed does not align with the rule wording sought.	Accept in part	
7.8	Ngāti Hāua Hapū	Amend	Amend the section 2.7 resource management issues of significance to tangata whenua. The commentary following the issues to be amended as a result of consequential amendments to definitions and the rule framework as proposed through this submission.	Ngāti Hāua consider this section of the Plan does a lot of heavy lifting as the scene is not set for the Plan user in Section 1 (as described above). They are concerned that the STDC District Plan considers that ‘development’ for hapū and iwi is limited to ‘marae and papakāinga’ (Issue 2.7.5). In the absence of a Zone which would enable us them to be entirely Māori, tangata whenua ‘issues’ should not be limited to only marae and papakāinga.	Reject	Key Issue 4 (Objectives and Policies)

Section 2: Objectives And Policies > Section 2.7 Tangata Whenua > Objectives

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant section of S42A Report
2.14	Parinihihi Ki Waitōtara Incorporation	Support	Amend and provide new wording for Objective 2.7.8 to enable the collaboration of Māori Incorporations and Māori Land Trusts in supporting Iwi, hapū and whānau with Papakāinga Development.	Clarity is sought in relation to 2.7.8: Objective 2.7.8 – To recognise and provide for development by Iwi, hapū and whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment. Seek inclusion within wording to extend to other Māori ownership structures, include Māori Incorporations and Māori Land Trusts.	Reject	Key Issue 2
FS12.8	Ngāti Hāua Hapū	Oppose	Disallow the submissions.	Oppose – Ngāti Hāua are concerned the policy wording proposed does not align with the rule wording sought.	Accept in part	
5.6	Kāinga Ora	Support	Retain Objective 2.7.8 as notified.	Kāinga Ora supports this objective, particularly with reference to enhancing Iwi, hapū and whānau social, cultural and economic well-being.	Accept in part	Key Issue 1
FS12.33	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Support the broadening of the objectives and policies wording; however, no wording provided.	Accept in part	
5.7	Kāinga Ora	Amend	To provide for papakāinga development on land owned by Tangata Whenua iwi, hapū and whānau.	Kāinga Ora support this objective however papakāinga should not be limited to Tangata Whenua and should be available instead to Iwi, hapū and whānau.	Accept in part	Key Issue 1

FS11.17	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support in Part the submission. Parinihi ki Waitōtara seek an amendment to the definitions as drafted for Papakāinga Development to incorporate other land tenure.	Accept in part	
FS12.34	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Support the broadening of the objectives and policies wording; however, no wording provided.	Accept in part	
7.9	Ngāti Hāua Hapū	Oppose	Amend and provide new wording for the section 2.7 objectives and policies to support the aspirations of Ngāti Hāua, including Objective 2.7.11 and Policy 2.7.18. Addition of proposed objective/s and policy/ies to ensure papakāinga supported across the Plan.	The submitter raises concerns that the section 2.7 objectives and policies do appear to repeat the wording of the section 6 and 7 matters of the RMA. It is unclear if the proposed wording will provide for the aspirations of Ngāti Hāua. They also state it is unclear what weighting is given to the objectives and policies in the assessment of a restricted discretionary activity. We are of the opinion that in terms of the development of papakāinga, the tangata whenua objectives would be given more weight than the underlying zone objectives and policies. Clarity is sought in this regard. Consequential amendments may also be required to the Rural Zone objectives and policies to ensure tangata whenua objectives and policies are given more weight. Clarity is sought in relation to the following wording: <ul style="list-style-type: none">Objective 2.7.6– clarity sought as to why '(including mauri)' has been included in the objective.Objective 2.7.8 – should the objective include development and use of whenua.	Accept in part Reject Scope unclear Accept in part	Key Issue 1 Key Issue 4 (Objectives and Policies) Table 1 Key Issue 4 (Objectives and Policies)

Section 2: Objectives And Policies > Section 2.7 Tangata Whenua > Policies

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant section of S42A Report
2.15	Parinihi Ki Waitōtara Incorporation	Support	Amend and provide new wording for Policy 2.7.21 to enable the collaboration of Māori Incorporations and Māori Land Trusts in supporting Iwi, hapū and whānau with Papakāinga Development.	Clarity is sought in relation to 2.7.21: Policies 2.7.21 – Recognise and provide for development and a range of activities by Iwi, hapū and whānau on key sites to meet the needs and values to Tāngata Whenua. Seek inclusion within wording to extend to other Māori ownership structures, include Māori Incorporations and Māori Land Trusts.	Reject	Key Issue 2
FS12.9	Ngāti Hāua Hapū	Oppose	Disallow the submissions.	Oppose – Ngāti Hāua are concerned the policy wording proposed does not align with the rule wording sought.	Accept in part	
5.8	Kāinga Ora	Support	Retain Policy 2.7.18 as notified.	Kāinga Ora supports this objective allowing for papakāinga on General Title Land.	Accept	Key Issue 2
FS11.18	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission.	Accept in part	
FS12.35	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Support the broadening of the objectives and policies wording; however, no wording provided.	Accept	
5.9	Kāinga Ora	Amend	Include a definition for 'key sites'.	Kāinga Ora supports this policy (Policy 2.7.21), however, it should be noted that 'key sites' is not identified anywhere in the Definitions section and should be included.	Scope unclear	Table 1
FS12.36	Ngāti Hāua Hapū	Support	Allow the submission subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support – The definition of 'key sites' is not provided for. Enabling papakāinga should not be limited to 'key sites'.	Scope unclear	

7.10	Ngāti Hāua Hapū	Oppose	<p>Amend and provide new wording for the section 2.7 objectives and policies to support the aspirations of Ngāti Hāua, including Objective 2.7.11 and Policy 2.7.18.</p> <p>Consequential amendments required to explanation of policies to reflect changes sought to rule framework.</p> <p>Addition of proposed objective/s and policy/ies to ensure papakāinga supported across the Plan.</p>	<p>The submitter raises concerns that the section 2.7 objectives and policies do appear to repeat the wording of the section 6 and 7 matters of the RMA.</p> <p>As with submission point 7.9 they raise concerns over the weight given to the objectives and policies in the assessment of a restricted discretionary activity.</p> <p>They are of the opinion that in terms of the development of papakāinga, the tangata whenua objectives would be given more weight than the underlying zone objectives and policies. Clarity is sought in this regard. Consequential amendments may also be required to the Rural Zone objectives and policies to ensure tangata whenua objectives and policies are given more weight.</p> <p>Clarity is sought in relation to the following wording:</p> <ul style="list-style-type: none"> • Policy 2.7.18 – Would require consequential amendments as a result of proposed rule framework amendments. • Policy 2.7.19 – Marae form part of the Rural Environment character and amenity. The scarce nature of whenua Māori should ensure residential, commercial and rural activities should not effect how we use and develop our whenua. • Policy 2.7.21 – it is unclear what ‘key sites’ means. <p>They also suggest consequential amendments required to the ‘Explanation of Policies’ to reflect proposed changes sought to rule framework.</p>	Accept in part	Key Issue 1
					Accept in part	Key Issue 2
					Reject	Key Issue 4 (Objectives and Policies)
					Accept in part	Key Issue 2
					Scope unclear	Table 1
					Scope unclear	Table 1
Reject	Key Issue 2					

Section 2: Objectives And Policies > Section 2.7 Tangata Whenua > Explanation of Policies

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant section of S42A Report
5.10	Kāinga Ora	Amend	Amend as follows: Provision is made for papakāinga on General Title Land in the District Plan where applicants can demonstrate long-term ownership and maintenance of the land title to ensure these developments are retained by Iwi, hapū and whānau long-term. In these cases, <u>demonstrating whakapapa evidence such as historic titles that shows the land has been held in whānau ownership, and or holding the land in a Trust can be utilised.</u>	Kāinga Ora supports this explanation in part, however, it is too restrictive and instead should focus on whakapapa, not on historic titles. The current explanation defeats the purpose of enabling papakāinga on General Title Land and does not provide for future acquisition of General Title Land for papakāinga purposes.	Accept in part	Key Issue 4 (Objectives and Policies)
FS12.37	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū; however, should also make reference to engagement with tangata whenua in accordance with the Ngāti Hāua Hapū original submission.	Accept in part	

Section 3: Rural Zone Rules

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.10	Parinihihi Ki Waitōtara Incorporation	Support	Retain as drafted.	3.1.1 (a) (v) – Papakāinga development is exempt from the above maximum number of dwellings units.	Accept	Key Issue 3

				Parinihi ki Waitōtara support performance standard 3.2.1 (a) (v). 3.2.1 (a) (i) – (v) is supported and drafted		
FS12.6	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further engagement with Ngāti Hāua Hapū.	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū; however, does not align with the submitters policy and objective changes sought.	Accept	
3.12	Te Korowai o Ngāruahine Trust	Support	Retain as proposed.	Te Korowai o Ngāruahine support the exemption for the number of whare in a papakāinga (performance standard 3.2.1(a)(v)).	Accept	Key Issue 3
FS12.21	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept	
3.13	Te Korowai o Ngāruahine Trust	Oppose	Te Korowai o Ngāruahine seek removal of the 3.2.2 bulk and location (a) height and location requirements for Papakāinga.	Te Korowai seek that the bulk and location requirements for papakāinga in the Rural Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.	Reject	Key Issue 3
FS12.22	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept	
7.15	Ngāti Hāua Hapū	Support	Retain as proposed.	For Ngāti Hāua, papakāinga may vary in activities and uses, including dwelling and building numbers. Ngāti Hāua support performance standard 3.2.1 (a) (v).	Accept	Key Issue 3
FS11.39	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission and performance standard 3.2.1 (a) (v) as drafted.	Accept	
7.16	Ngāti Hāua Hapū	Oppose	Ngāti Hāua seek amendments to the 3.2.2 bulk and location (a) height and location requirements for Papakāinga.	As whenua Māori is a scarce resource and in most instances there are a number of owners of Māori land, to ensure the whenua is able to be utilised to provide for the relationship of Ngāti Hāua and our culture and traditions, we recommend removal of the bulk and location requirements for papakāinga. This is similar to the requirements for the Parihaka Cultural Area.	Reject	Key Issue 3

Section 3: Rural Zone Rules > 3.1 Categories of Activities > 3.1.1 Permitted Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.4	Parinihi Ki Waitōtara Incorporation	Amend	Support permitted activity standard but remove reference to land held under Te Ture Whenua Māori Act 1993 in 3.1.1 (f). Whilst the majority of PKW whenua is Māori freehold, we do not believe the permitted activity status should be limited to Māori Freehold Whenua and should enable papakāinga on all land ownership classifications.	Clarity is sought in relation to 3.1.1(f): <i>3.1.1 (f) – Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> PKW supports the provision of permitted activity status for Papakāinga but seeks to enable Papakāinga as a permitted activity regardless of underlying land classification.	Reject	Key Issue 2
FS12.4	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further engagement with Ngāti Hāua Hapū.	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū; however, does not align with the submitter’s policy and objective changes sought.	Reject	
3.8	Te Korowai o Ngāruahine Trust	Support	Retain the wording of rule 3.1.1 (e).	Te Korowai o Ngāruahine support (e) Marae being a permitted activity in the Rural Zone. As described throughout this submission, currently our Ngāruahine marae are located in the Rural Zone.	Scope unclear	Table 1
FS12.17	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Scope unclear	
3.9	Te Korowai o Ngāruahine Trust	Oppose	Retain rule 3.1.1(f) Papakāinga as a permitted activity in the Rural Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Rural Zone. In line with the proposed amendments sought to the definition of PAKAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Accept in part	Key Issue 2

			developed as a permitted activity. For example, the activity could be described as '(f) PAPAĀINGA on WHENUA MĀORI'.			
FS11.4	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission broaden the whenua types in which Papakāinga can be undertaken on as a permitted activity.	Reject	
FS12.18	Ngāti Hāua Hapū	Support	Allow the submissions.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept in part	
5.12	Kāinga Ora	Amend	Amend Rule 3.1.1(f) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	Reject	Key Issue 2
FS11.20	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken on as a permitted activity.	Reject	
FS12.39	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Ngāti Hāua Hapū support the intention of the submission; however, given amendments sought to definitions by Ngāti Hāua, this is inconsistent with the original submission of Ngāti Hāua Hapū.	Reject	
6.5	Ngā Mahanga Hapū	Oppose	Retain the operative plan rule 3.1.1(f) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
FS11.31	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken on as a permitted activity.	Reject	
FS12.48	Ngāti Hāua Hapū	Oppose	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Reject	
7.11	Ngāti Hāua Hapū	Amend	Proposed amendments, deletions and new definitions as described above. This will ensure consistency between definitions and that a definition does not consequentially result in the need for consent.	Ngāti Hāua Hapū support rule 3.1.1(e) Marae being a permitted activity in the Rural Zone. As described throughout this submission, currently our two marae are located within the Rural Zone. A diverse range of activities and uses are undertaken on our marae.	Scope unclear	Table 1
7.12	Ngāti Hāua Hapū	Oppose	Retain rule 3.1.1(f) Papakāinga as a permitted activity in the Rural Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be developed as a permitted activity. For example, the activity could be described as '(f) PAPAĀINGA on WHENUA MĀORI'. Amend relevant performance standards for Papakāinga, including though not limited to, removal of setback distances from adjoining side and road boundaries in the Rural Zone.	Whilst the submitter supports Papakāinga being a permitted activity in the Rural Zone, where (types of whenua Māori) and how it is provided must be broadened to recognise and provide for the relationship of Ngāti Hāua and their ancestral lands. In the absence of a Special Purpose Māori Purpose Zone, to ensure Ngāti Hāua are able to utilise our whenua for papakāinga to its full potential, Ngāti Hāua seek amendments to reduce all relevant performance standards including, though not limited to, removal of setback distance requirements from adjoining side and road boundaries to those currently existing in the Rural Zone – similarly to the Parihaka Cultural Area.	Reject	Key Issue 2

FS11.38	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Reject	
9.5	Te Kahui o Taranaki Trust	Oppose	Retain the operative plan rule 3.1.1(f) which reads as follows: <i>Papakāinga development</i> .	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Accept in part	Key Issue 2
FS10.9	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.	The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities. Retain the operative plan rule which reads as follows: <i>Papakāinga development</i> .	Accept in part	
FS11.43	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993.	Accept in part	
FS12.58	Ngāti Hāua Hapū	Oppose	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Accept in part	

Section 3: Rural Zone Rules > 3.1 Categories of Activities > 3.1.2 Controlled Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.7	Parininihi Ki Waitōtara Incorporation	Amend	Provide for Papakāinga as a controlled activity when one or more performance standards are not meet but exclude the reference to Te Ture Whenua Māori Act 1993 in 3.1.2 (b).	Clarity is sought in relation to 3.1.2(b), 4.1.2(a) and 5.1.2(a): <i>3.1.2 (b) - Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</i> Controlled Activity provision is supported as drafted with the exception of the reference to land classification relating Te Ture Whenua Māori Act 1993 and should rather relate to Papakāinga in general as per submission point above.	Accept in part	Key Issue 2
FS12.5	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submission of Ngāti Hāua Hapū.	Accept in part	
3.10	Te Korowai o Ngāruahine Trust	Amend	Amendments are sought to the rule 3.1.2(b) in line with amendments to definitions.	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Accept in part	Key Issue 2
FS11.5	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in part the Submission for Papakāinga as a controlled Activity status.	Accept in part	
FS12.19	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Accept in part	
5.13	Kāinga Ora	Amend	Amend as follows: (b) Papakāinga developments on land held under Te Ture	While Kāinga Ora supports the activity status as a Controlled activity, this should also include papakāinga on general title land. Additionally, some of the matters of control are	Reject	Key Issue 2

			<p>Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p>Matters to which the Council restricts its control:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</p> <p>(iv) Connection to services.</p> <p>(v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.</p>	<p>too broad. In particular 3.1.2 (ii) does not provide certainty to applicants and gives Council too much discretion for a Controlled Activity. In addition, 3.1.2 (i) provides Council scope to address those effects relevant to the non-compliance, while also providing certainty for the applicant. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication Analysis of District Plan Papakāinga Rules dated 30 April 2024. Kāinga Ora seeks for matter 3.1.2 (ii) to be removed from the rule.</p> <p>Following this matter 3.1.2 (iv) is redundant and is covered by 3.1.2 (v), this matter should be removed.</p>		
FS11.21	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in part the Submission for Papakāinga as a controlled Activity status and the removal of the reference to Te Ture Whenua Māori Act 1993.	Reject	
FS12.40	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Generally in accordance with the original submission of Ngāti Hāua Hapū.	Reject	
6.6	Ngā Mahanga Hapū	Amend	<p>Amend the rule 3.1.2(b) as follows:</p> <p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p>Matters to which the Council restricts its control:</p> <p>i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>ii. Effects on character and amenity values.</p> <p>iii. Measures proposed to avoid or mitigate potential reverse sensitivity effects.</p>	<p>The Plan change introduces a new sub-rule that reads as follows:</p> <p><i>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</i></p> <p><i>Matters to which the Council restricts its control:</i></p> <p><i>i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i></p> <p><i>ii. Effects on character and amenity values.</i></p> <p><i>iii. Measures proposed to avoid or mitigate potential reverse sensitivity effects.</i></p> <p><i>iv. Connection to services.</i></p> <p><i>v. In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.</i></p>	Reject	Key Issue 2

			<p>iv. Connection to services.</p> <p>v. In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.</p>	<p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>		
FS11.32	Parinihihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Reject	
FS12.49	Ngāti Hāua Hapū	Oppose	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Accept in part	
7.13	Ngāti Hāua Hapū	Oppose	Ngāti Hāua seek amendments to the rule framework as a result of amendments to definitions, deletion of definitions and addition of definitions, as well as amendments to section 2.1. The rule framework must ensure the relationship of Ngāti Hāua Hapū and Ngāti Hāua uri with our culture and traditions and our ancestral lands within our takiwā is recognised and provided for and not just enabled.	<p>The submitter has proposed amendments to definitions including deletions and new definitions, in addition to amendments to performance standards for Papakāinga; Ngāti Hāua also seek amendments to section 2.1, character description – all which would require consequential amendments to this rule.</p> <p>They also request the Rural Zone environment description be updated to reflect Māori purpose activities, uses and development that Ngāti Hāua undertake in the zone, as well as the scarce nature of whenua Māori and the direct relationships with our ancestral lands as a result of the muru me te raupatu. This ensures any consideration of character and amenity and the environment, including tangata whenua, is accurately articulated.</p> <p>They also note that in the absence of Ngāti Hāua Hapū and Ngāti Hāua uri being able to undertake development of papakāinga as a permitted activity as proposed, they would be supportive of the use of a controlled activity for papakāinga; however, consequential amendments required to rule framework and definitions, as described.</p>	Reject	Key Issue 2
9.6	Te Kahui o Taranaki Trust	Amend	<p>Amend the rule as follows:</p> <p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p>Matters to which the Council restricts its control:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p>	<p>The Plan change introduces a new sub-rule that reads as follows:</p> <p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.</p> <p><i>Matters to which the Council restricts its control:</i></p> <p><i>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i></p> <p><i>(ii) Effects on character and amenity values.</i></p> <p><i>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</i></p> <p><i>(iv) Connection to services.</i></p>	Reject	Key Issue 2

			(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. (iv) Connection to services. (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.	(v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga. Amendments to the rule is required consistent with the changes to definitions outlined above.		
FS10.4	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.	Support in kind. The Plan change introduces a new subrule that reads as follows: (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. (iv) Connection to services. (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga. Amendments to the rule is required consistent with the changes to definitions outlined above. Amend the rule as follows: (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects. (iv) Connection to services. (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.	Reject	
FS11.44	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993.	Reject	
FS12.59	Ngāti Hāua Hapū	Oppose	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Accept in part	

Section 3: Rural Zone Rules > 3.1 Categories of Activities > 3.1.3 Restricted Discretionary Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.11	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “3.1.3 Restricted Discretionary Activities – (o) Papakāinga developments not on general title land whenua Māori that comply with the	Te Korowai support the addition of a Restricted Discretionary Activity Status rule (rule 3.1.3(o)) subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.	Reject	Key Issue 2

			permitted activity performance standards in section 3.2”.			
FS12.20	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submissions of Ngāti Hāua Hapū.	Reject	
3.31	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “3.1.3 Restricted Discretionary Activities – (o) Papakāinga developments not on general title land <u>whenua Māori</u> that comply with the permitted activity performance standards in section 3.2”.	Te Korowai support the addition of a Restricted Discretionary Activity Status rule (rule 3.1.3(p)) subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.	Reject	Key Issue 2
5.14	Kāinga Ora	Oppose	Delete: (o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2, subject to demonstrating: (ii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership. Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include: (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; (b) Any other matter related to tikanga Māori.	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and seeks the deletion of this rule.	Reject	Key Issue 2
FS12.41	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū. Must be a rule pathway for those who do not whakapapa to whenua and must engage the expert advice of tangata whenua.	Accept in part	
5.15	Kāinga Ora	Oppose	Delete: (p) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its discretion:	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Reject	Key Issue 2

			<p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.</p> <p>(iv) Connection to services.</p> <p>(v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga. In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(vii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>			
FS12.42	Ngāti Hāua Hapū	Oppose	Disallow the submission.	Oppose – Inconsistent with the original submissions of Ngāti Hāua Hapū. Must be a rule pathway for those who do not whakapapa to whenua and must engage the expert advice of tangata whenua.	Accept in part	
7.14	Ngāti Hāua Hapū	Oppose	Ngāti Hāua seek amendments to the Rural Zone rule framework for papakāinga, including matters of discretion, as a result of amendments to definitions, deletion of	The submitter requests amendments to the Rural Zone rule framework and matters of discretion to ensure their relationship with their ancestral land is not unnecessarily narrowed.	Accept in part	Key Issue 1

		<p>definitions and addition of definitions, as well as amendments to section 2.1 which accurately reflect the environment, including the tangata whenua aspects of the environment.</p> <p>The rule framework must ensure the relationship of Ngāti Hāua Hapū and Ngāti Hāua uri with our culture and traditions and our ancestral lands within our takiwā is recognised and provided for.</p> <p>As an example, the rules could be 'PAPAKĀINGA not on WHENUA MĀORI'.</p> <p>The matters of discretion must ensure that the expert advice of Ngāti Hāua, as tangata whenua within our takiwā, is engaged and provided. This is consistent with the active decision making requirement described at section 2.7 and the tangata whenua objectives and policies. Amend the wording of the matters of discretion.</p>	<p>The section 32 report suggests it is necessary that developments on general title land are restricted discretionary activities to enable assessment against matters such as the National Policy Statement for Highly Productive Land ('NPS -HPL'). Ngāti Hāua are of the view that this prohibitive, strong wording of the NPS -HPL would inappropriately and unnecessarily restrict development of whenua for papakāinga in our takiwā, with much of the whenua in our takiwā being Classes 1 – 3.</p> <p>The matters of discretion must ensure that the expert advice of Ngāti Hāua is sought, as tangata whenua in our takiwā, not relying on a note which suggests advice would be sought from iwi authorities (who are not tangata whenua) and only taken in to account.</p> <p>The section 32 report on a number of occasions suggests '[papakāinga] may generate social changes that existing communities are not accustomed to'. Clarity is sought in relation to this statement, our initial opinion is this unfairly prejudices Māori.</p> <p>The submitter requests a number of other changes to the matters of discretion, to reflect section 6 of the RMA matters.</p>	Accept in part	Key Issue 2
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Section 4: Residential Zone Rules > 4.1 Categories of Activities > 4.1.1 Permitted Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.5	Parinihi Ki Waitōtara Incorporation	Amend	Support permitted activity standard but remove reference to land held under Te Ture Whenua Māori Act 1993 in 4.1.1 (e). Whilst the majority of PKW whenua is Māori freehold, we do not believe the permitted activity status should be limited to Māori Freehold Whenua and should enable papakāinga on all land ownership classifications.	Clarity is sought in relation to 4.1.1(e): <i>4.1.1 (e) – Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> PKW supports the provision of permitted activity status for Papakāinga but seeks to enable Papakāinga as a permitted activity regardless of underlying land classification.	Reject	Key Issue 2
3.14	Te Korowai o Ngāruahine Trust	Support	Retain the wording of 4.1.1 Permitted activities – (d) marae.	Te Korowai o Ngāruahine support (e) Marae being a permitted activity in the Residential Zone. As described above, we support the opportunity to establish marae in the Residential Zone.	Scope unclear	Table 1
3.15	Te Korowai o Ngāruahine Trust	Oppose	Retain rule 4.1.1(e) Papakāinga as a permitted activity in the Residential Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be developed as a permitted activity. For example, the activity could be described as '(f) PAPAKĀINGA on WHENUA MĀORI'.	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Residential Zone. In line with the proposed amendments sought to the definition of PAPAKĀINGA DEVELOPMENT, the deletion of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Reject	Key Issue 2
FS11.6	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure.	Reject	

5.16	Kāinga Ora	Amend	(e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 <u>and on general title land.</u>	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be treated as a permitted activity on general title as well.	Reject	Key Issue 2
FS11.22	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types in which Papakāinga can be undertaken on as a permitted activity.	Reject	
6.7	Ngā Mahanga Hapū	Oppose	Retain the operative plan rule 4.1.1(e) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
FS11.33	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Reject	
FS12.50	Ngāti Hāua Hapū	Oppose	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Reject	
9.7	Te Kahui o Taranaki Trust	Oppose	Retain the operative plan rule 4.1.1(e) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
FS10.10	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.	The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities. Retain the operative plan rule which reads as follows: <i>Papakāinga development</i>	Reject	
FS11.45	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993.	Reject	

Section 4: Residential Zone Rules > 4.1 Categories of Activities > 4.1.2 Controlled Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
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District Plan Committee - Plan Change 3 - Papakainga Development Hearing - Section 42A Report

2.8	Parininihi Ki Waitōtara Incorporation	Amend	Provide for Papakāinga as a controlled activity when one or more performance standards are not met but exclude the reference to Te Ture Whenua Māori Act 1993 in 4.1.2 (a).	Clarity is sought in relation to 4.1.2(a): <i>4.1.2 (a) - Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</i> Controlled Activity provision is supported with the exception of the reference to land classification relating Te Ture Whenua Māori Act 1993 and should rather relate to Papakāinga in general as per submission point above.	Reject	Key Issue 2
3.16	Te Korowai o Ngāruahine Trust	Amend	Amendments are sought to the rule 4.1.2(a) in line with amendments to definitions.	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Reject	Key Issue 2
FS11.7	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in part the Submission for Papakāinga as a controlled Activity status.	Reject	
5.17	Kāinga Ora	Amend	Amend as follows: None. a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9). Matters to which the Council restricts its control: (i) Site Layout. (ii) Scale and design of buildings. (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties. (iv) Location, function and amenity of on-site open space. (v) Access, extent of impervious surfaces and landscaping.	Kāinga Ora support the activity status, however, this should also cover papakāinga on general title land. In addition, some of the matters of control are too broad, in particular 4.1.2 (iii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. In addition, the definition of Papakāinga as provided by Council may conflict with the existing residential character of most areas and is therefore inappropriate. Matters 4.1.2 (i) and (ii) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 3.1.2 (iii) to be removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication Analysis of District Plan Papakāinga Rules dated 30 April 2024.	Reject	Key Issue 4 (Matters of Control)
FS11.23	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support in part the Submission for Papakāinga as a controlled Activity status.	Reject	
6.8	Ngā Mahanga Hapū	Amend	Amend the rule 4.1.2(a) as follows:	The Plan change proposes to add the following controlled activity:	Reject	Key Issue 2

			<p>a. Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>vi. Site Layout.</p> <p>vii. Scale and design of buildings.</p> <p>viii. Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>ix. Location, function and amenity of on-site open space.</p> <p>x. Access, extent of impervious surfaces and landscaping.</p>	<p>a. Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>i. Site Layout.</p> <p>ii. Scale and design of buildings.</p> <p>iii. Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>iv. Location, function and amenity of on-site open space.</p> <p>v. Access, extent of impervious surfaces and landscaping.</p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>		
FS11.34	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Reject	
FS12.51	Ngāti Hāua Hapū	Oppose	Disallow the submissions, subject to further kōrero and engagement with Ngāti Hāua Hapū.	Oppose – Support the submitter’s reasons for amendments to the rules; however, these do not align with the Ngāti Hāua Hapū original submissions particularly in relation to definitions and how the rule framework would operate.	Reject	
9.8	Te Kahui o Taranaki Trust	Amend	<p>Amend the rule as follows:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>(vi) Site Layout.</p> <p>(vii) Scale and design of buildings.</p> <p>(viii) Effects on existing residential character and amenity, including privacy, loss of healthy</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its control:</p> <p>(i) Site Layout.</p> <p>(ii) Scale and design of buildings.</p> <p>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(iv) Location, function and amenity of on-site open space.</p>	Reject	Key Issue 2

			mature trees and shading on neighbouring properties. (ix) Location, function and amenity of on-site open space. (x) Access, extent of impervious surfaces and landscaping.	<i>(v) Access, extent of impervious surfaces and landscaping.</i> Amendments to the rule is required consistent with the changes to definitions outlined above.		
FS10.5	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.	The Plan change proposes to add the following controlled activity: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9). Matters to which the Council restricts its control: (i) Site Layout. (ii) Scale and design of buildings. (iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties. (iv) Location, function and amenity of on-site open space. (v) Access, extent of impervious surfaces and landscaping. Amendments to the rule is required consistent with the changes to definitions outlined above. Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9). Matters to which the Council restricts its control: (vi) Site Layout. (vii) Scale and design of buildings. (viii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties. (ix) Location, function and amenity of onsite open space. (x) Access, extent of impervious surfaces and landscaping.	Reject	
FS11.46	Parinihihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993.	Reject	

Section 4: Residential Zone Rules > 4.1 Categories of Activities > 4.1.3 Restricted Discretionary Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.17	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “4.1.3 Restricted Discretionary Activities – (f) Papakāinga developments not on general title land whenua Māori that comply with the permitted activity performance standards in section 4.2” and similarly for rule 4.1.3 (g).	Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū. This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.	Reject	Key Issue 2
3.32	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “4.1.3 Restricted Discretionary Activities – (f) Papakāinga developments not on general title land whenua Māori that comply with the permitted activity performance standards in section 4.2” and similarly for rule 4.1.3 (g).	Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū. This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.	Reject	Key Issue 2

5.18	Kāinga Ora	Oppose	<p>Delete:</p> <p>f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 4.2</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(ii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account.</p> <p>The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>	<p>Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.</p>	Reject	Key Issue 2
5.19	Kāinga Ora	Oppose	<p>Delete:</p> <p>g) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards for bulk and location (Rule 4.2.2), private outdoor living area (Rule 4.2.3) or access and roading requirements (Rule 4.2.9).</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. Matters include:</p>	<p>Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.</p>	Reject	Key Issue 2

		<p>(i) Site Layout</p> <p>(ii) Scale and design of buildings.</p> <p>(iii) Effects on existing residential character and amenity, including privacy, loss of healthy mature trees and shading on neighbouring properties.</p> <p>(iv) Location, function and amenity of on-site open space.</p> <p>(v) Access, extent of impervious surfaces and landscaping.</p> <p>(ii) Effects on residential character and amenity values.</p> <p>(iii) Connections to services. In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(v) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>			
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Section 4: Residential Zone Rules > 4.2 Performance Standards - Permitted Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
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3.19	Te Korowai o Ngāruahine Trust	Oppose	Te Korowai o Ngāruahine seek removal of the 4.2.2 bulk and location (a) height and location requirements for Papakāinga.	Te Korowai seek that the bulk and location requirements for papakāinga in the Residential Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.	Reject	Key Issue 3
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Section 4: Residential Zone Rules > 4.2 Performance Standards - Permitted Activities > 4.2.1 Net Site Area

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.11	Parininihi Ki Waitōtara Incorporation	Support	Retain as drafted.	4.2.1 (a) (iii) – Papakāinga development is exempt from the above net site area performance standards set out in 4.2.1 (a) (i) and (ii). 4.2.1 (a) (i) – (iii) is supported as drafted.	Accept	Key Issue 3
3.18	Te Korowai o Ngāruahine Trust	Support	Retain the wording as proposed.	Te Korowai support Papakāinga development being exempt from the net site area performance standards set out in 4.2.1(a)(i) and (ii).	Accept	Key Issue 3
FS11.8	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission for Papakāinga to be exempt from the net site area performance standards.	Accept	
5.20	Kāinga Ora	Support	Retain 4.2.1 as notified.	Kāinga Ora supports that there are no density requirements for papakāinga.	Accept	Key Issue 3
FS11.24	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission for Papakāinga to be exempt from the net site area performance standards.	Accept	

Section 5: Township Zone Rules > 5.1 Categories of Activities > 5.1.1 Permitted Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.6	Parininihi Ki Waitōtara Incorporation	Amend	Support permitted activity standard but remove reference to land held under Te Ture Whenua Māori Act 1993 in 5.1.1 (e). Whilst the majority of PKW whenua is Māori freehold, we do not believe the permitted activity status should be limited to Māori Freehold Whenua and should enable papakāinga on all land ownership classifications.	Clarity is sought in relation to 5.1.1(e): 5.1.1 (e) – Papakāinga development on land held under Te Ture Whenua Māori Act 1993. PKW supports the provision of permitted activity status for Papakāinga but seeks to enable Papakāinga as a permitted activity regardless of underlying land classification.	Reject	Key Issue 2
3.20	Te Korowai o Ngāruahine Trust	Support	Retain the wording of 5.1.1 Permitted activities – (d) marae.	Te Korowai o Ngāruahine support (e) Marae being a permitted activity in the Township Zone. As described above, we support the opportunity to establish marae in the Township Zone.	Scope unclear	Table 1
FS11.9	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission for Marae as a Permitted Activity status.	Scope unclear	
3.21	Te Korowai o Ngāruahine Trust	Oppose	Retain rule 5.1.1(e) Papakāinga as a permitted activity in the Township Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Township Zone. In line with the proposed amendments sought to the definition of PAKAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Reject	Key Issue 2

			papakāinga can be developed as a permitted activity. For example, the activity could be described as '(f) PAKAKĀINGA on WHENUA MĀORI'.			
FS11.10	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the submission in seeking the introduction of a new definition that broadens the definition of Papakāinga to include other land tenure.	Reject	
5.21	Kāinga Ora	Amend	(e) Papakāinga development on land held under Te Ture Whenua Māori Act 1993 and <u>on general title land.</u>	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be treated as a permitted activity on general title as well.	Reject	Key Issue 2
FS11.25	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types in which Papakāinga can be undertaken on as a permitted activity.	Reject	
6.9	Ngā Mahanga Hapū	Oppose	Retain the operative plan rule 5.1.1(e) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
FS11.35	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Reject	
9.9	Te Kahui o Taranaki Trust	Oppose	Retain the operative plan rule 5.1.1(e) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
FS10.11	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kahui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.	The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities. Retain the operative plan rule which reads as follows: <i>Papakāinga development.</i>	Reject	
FS11.47	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993.	Reject	

Section 5: Township Zone Rules > 5.1 Categories of Activities > 5.1.2 Controlled Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
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2.9	Parinihi Ki Waitōtara Incorporation	Amend	Provide for Papakāinga as a controlled activity when one or more performance standards are not meet but exclude the reference to Te Ture Whenua Māori Act 1993 in 5.1.2 (a).	Clarity is sought in relation to 5.1.2(a): <i>5.2.1 (a) - Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.</i> Controlled Activity provision is supported with the exception of the reference to land classification relating Te Ture Whenua Māori Act 1993 and should rather relate to Papakāinga in general as per submission point above.	Reject	Key Issue 2
3.22	Te Korowai o Ngāruahine Trust	Amend	Amendments are sought to the rule 5.1.2(a) in line with amendments to definitions.	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Reject	Key Issue 2
FS11.11	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support in part the Submission for Papakāinga as a controlled Activity status.	Reject	
5.22	Kāinga Ora	Amend	Amend as follows: None. (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services.	Kāinga Ora support the activity status as a Controlled activity, however, this should also cover papakāinga on general title land. Some of the matters of control are too broad, in particular 5.1.2 (a)(ii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. Matters 5.1.2 (a)(i) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 5.1.2 (a)(ii) to be removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication Analysis of District Plan Papakāinga Rules dated 30 April 2024.	Reject Reject	Key Issue 2 Key Issue 4 (Matters of Control)
FS11.26	Parinihi Ki Waitōtara Incorporation	Support	Allowed.	Support in part the Submission for Papakāinga as a controlled Activity status.	Reject	
6.10	Ngā Mahanga Hapū	Amend	Amend the rule 5.1.2(a) as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.	The Plan change proposes to add the following controlled activity: <i>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2.</i> <i>Matters to which the Council restricts its control:</i> <i>i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</i> <i>ii. Effects on character and amenity values.</i> <i>iii. Connection to services.</i> Amendments to the rule is required consistent with the changes to definitions outlined above.	Reject	Key Issue 2

			ii. Effects on character and amenity values. iii. Connection to services.			
FS11.36	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to broaden the whenua types on which Papakāinga can be undertaken.	Reject	
9.10	Te Kahui o Taranaki Trust	Amend	Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services.	The Plan change proposes to add the following controlled activity: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services. Amendments to the rule is required consistent with the changes to definitions outlined above.	Reject	Key Issue 2
FS10.6	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmore.	Support in part. The Plan change proposes to add the following controlled activity: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services. Amendments to the rule is required consistent with the changes to definitions outlined above. Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services.	Reject	
FS11.48	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission to remove the reference to Te Ture Whenua Māori Act 1993.	Reject	

Section 5: Township Zone Rules > 5.1 Categories of Activities > 5.1.3 Restricted Discretionary Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
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3.23	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “5.1.3 Restricted Discretionary Activities – (f) Papakāinga developments not on general title land whenua Māori that comply with the permitted activity performance standards in section 5.2” and similarly for rule 5.1.3 (g).	Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū. This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.	Reject	Key Issue 2
3.33	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “5.1.3 Restricted Discretionary Activities – (f) Papakāinga developments not on general title land whenua Māori that comply with the permitted activity performance standards in section 5.2” and similarly for rule 5.1.3 (g).	Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission. Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū. This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.	Reject	Key Issue 2
5.23	Kāinga Ora	Oppose	Delete: (f) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 5.2. Matters to which the Council restricts its discretion: (i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land. (ii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership. Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include: (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land; (b) Any other matter related to tikanga Māori.	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Reject	Key Issue 2
5.24	Kāinga Ora	Oppose	Delete (g) Papakāinga developments on general title land that do not comply with one or more of	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Reject	Key Issue 2

		<p>the permitted activity performance standards in Section 5.2.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>iii) Connection to services. In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>iv) Connection to services. In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(iv) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>v) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>			
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Section 5: Township Zone Rules > 5.2 Performance Standards - Permitted Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
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3.25	Te Korowai o Ngāruahine Trust	Oppose	Te Korowai o Ngāruahine seek removal of the 5.2.2 bulk and location (a) height and location requirements for Papakāinga.	Te Korowai seek that the bulk and location requirements for papakāinga in the Township Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.	Reject	Key Issue 3
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Section 5: Township Zone Rules > 5.2 Performance Standards - Permitted Activities > 5.2.1 Number of Dwelling Units And Minimum Site Area

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
2.12	Parininihi Ki Waitōtara Incorporation	Support	Retain as drafted.	5.2.1 (c) – Papakāinga development is exempt from the above minimum number of dwelling unit performance standards set out in 5.2.1 (a) and the net site area performance standards set out in 5.2.1 (b). 5.2.1 (a) – (c) supported as drafted.	Accept	Key Issue 3
3.24	Te Korowai o Ngāruahine Trust	Support	Retain the wording as proposed.	Te Korowai support Papakāinga development being exempt from the minimum number of dwelling unit performance standards set out in 5.2.1(a) and the net site area performance standards set out in 5.2.1(b).	Accept	Key Issue 3
FS11.12	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission for Papakāinga to be exempt from the minimum number of dwelling unit performance standards.	Accept	
5.25	Kāinga Ora	Support	Retain as notified.	Kāinga Ora supports that papakāinga is exempt from any density standards.	Accept	Key Issue 3
FS11.27	Parininihi Ki Waitōtara Incorporation	Support	Allowed.	Support the Submission for Papakāinga to be exempt from the minimum number of dwelling unit performance standards.	Accept	

Section 6: Commercial Zone Rules

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.30	Te Korowai o Ngāruahine Trust	Oppose	Te Korowai o Ngāruahine seek removal of the performance standards requirements for Papakāinga.	Te Korowai seek that the relevant performance standards are removed 6.2.1, 6.2.3, 6.2.4, 6.2.10 requirements for papakāinga in the Commercial Zone are removed to ensure the scarce resource of whenua Māori is able to be developed in a way which meets the aspirations for iwi, hapū, whānau, marae and uri.	Reject	Key Issue 3

Section 6: Commercial Zone Rules > 6.1 Categories of Activities > 6.1.1 Permitted Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.26	Te Korowai o Ngāruahine Trust	Support	Retain the wording of 6.1.1 Permitted activities – (xiii) marae.	Te Korowai o Ngāruahine support (xiii) Marae being a permitted activity in the Commercial Zone. As described above, we support the opportunity to establish marae in the Commercial Zone.	Scope unclear	Table 1
3.27	Te Korowai o Ngāruahine Trust	Oppose	Retain Papakāinga as a permitted activity in the Commercial Zone; however, proposed amendments, deletions and new definitions will have consequential amendments for the type of whenua papakāinga can be developed as a	Te Korowai o Ngāruahine support papakāinga being a permitted activity in the Commercial Zone. In line with the proposed amendments sought to the definition of PAKAKĀINGA DEVELOPMENT, the deletion of the definition of GENERAL TITLE LAND and ANCESTRAL LAND and the proposed addition of a new definition which broadens the whenua types in which papakāinga can be undertaken on as a permitted activity.	Reject	Key Issue 2

			permitted activity. For example, the activity could be described as '(xiv) PAKĀINGA on WHENUA MĀORI'.			
5.26	Kāinga Ora	Amend	(xiv) Papakāinga development on land held under Te Ture Whenua Māori Act 1993.	Kāinga Ora supports this activity status, however, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted activity on general title as well.	Reject	Key Issue 2
6.11	Ngā Mahanga Hapū	Oppose	Retain the operative plan rule 6.1.1(xiv) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
9.11	Te Kahui o Taranaki Trust	Oppose	Retain the operative plan rule 6.1.1(xiv) which reads as follows: <i>Papakāinga development.</i>	The plan change proposes to amend the rule to read as follows: <i>Papakāinga development on land held under Te Ture Whenua Māori Act 1993.</i> The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities.	Reject	Key Issue 2
FS10.12	Ngahina Capper	Support	I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.	The plan change proposes to amend the rule to read as follows: Papakāinga development on land held under Te Ture Whenua Māori Act 1993. The reference to Te Ture Whenua Māori Act 1993 is not considered necessary given the definition of Papakāinga Development already identifies the types of title and ownership where Papakāinga are able to be established as permitted activities. Retain the operative plan rule which reads as follows: <i>Papakāinga development.</i>	Reject	

Section 6: Commercial Zone Rules > 6.1 Categories of Activities > 6.1.2 Controlled Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.28	Te Korowai o Ngāruahine Trust	Amend	Amendments are sought to the rule 6.1.2(b) in line with amendments to definitions.	Te Korowai support the addition of the Controlled Activity Status rule subject to amendments to the definitions as described earlier in this submission.	Reject	Key Issue 2
5.27	Kāinga Ora	Amend	(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from	Kāinga Ora support the activity status as a Controlled activity, however, this should also cover papakāinga on general title. Some of the matters of control are too broad, in particular 6.1.2 (b)(ii) creates uncertainty to applicants and provides Council too much discretion for a Controlled Activity. Matters 6.1.2 (b)(i) provides Council scope to address these effects, while also providing certainty for the applicant. Kāinga Ora seeks for matter 6.1.2 (b)(ii) to be removed from the rule. Discussion on this is provided in section 5.7 of the Te Puni Kōkiri publication Analysis of District Plan Papakāinga Rules dated 30 April 2024.	Reject	Key Issue 2

			<p>noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Connection to services.</p>			
6.12	Ngā Mahanga Hapū	Amend	<p>Amend the rule as follows:</p> <p>a. Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p> <p>iv. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>v. Effects on character and amenity values.</p> <p>vi. Connection to services.</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p>b. Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p> <p>i. Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>ii. Effects on character and amenity values.</p> <p>iii. Connection to services.</p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	Reject	Key Issue 2
9.12	Te Kahui o Taranaki Trust	Amend	<p>Amend the rule as follows:</p> <p>(a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p> <p>(iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(v) Effects on character and amenity values.</p> <p>(vi) Connection to services.</p>	<p>The Plan change proposes to add the following controlled activity:</p> <p>(b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its control:</p> <p>(i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(ii) Effects on character and amenity values.</p> <p>(iii) Connection to services.</p> <p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p>	Reject	Key Issue 2
FS10.7	Ngahina Capper	Support	<p>I support the same view as Ngawai Terry on behalf of Te Kāhui o Taranaki as this is in alignment with our direction as a whānau on our papakāinga at Te Tāmōre.</p>	<p>Support in part.</p> <p>The Plan change proposes to add the following controlled activity: (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its control: (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (ii) Effects on character and amenity values. (iii) Connection to services.</p>	Reject	

			<p>Amendments to the rule is required consistent with the changes to definitions outlined above.</p> <p>Amend the rule as follows: (a) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 6.2. Matters to which the Council restricts its control: (iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met. (v) Effects on character and amenity values. (vi) Connection to services.</p>		
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Section 6: Commercial Zone Rules > 6.1 Categories of Activities > 6.1.3 Restricted Discretionary Activities

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.29	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “6.1.3 Restricted Discretionary Activities – (e) Papakāinga developments not on general title land whenua Māori that comply with the permitted activity performance standards in section 6.2” and similarly for rule 6.1.3 (f).	<p>Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission.</p> <p>Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.</p> <p>This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.</p>	Reject	Key Issue 2
3.34	Te Korowai o Ngāruahine Trust	Oppose	Amendments are sought to the rules in line with amendments to the definitions. For example, the rules could be described as “6.1.3 Restricted Discretionary Activities – (e) Papakāinga developments not on general title land whenua Māori that comply with the permitted activity performance standards in section 6.2” and similarly for rule 6.1.3 (f).	<p>Te Korowai support the addition of a Restricted Discretionary Activity Status rule subject to amendments to the definitions as described earlier in this submission.</p> <p>Whenua owned by whānau Māori who do not whakapapa in that takiwā must have to engage with hapū.</p> <p>This is consistent with advice Te Korowai provided to the Ngā Kaitiaki Roopū.</p>	Reject	Key Issue 2
5.28	Kāinga Ora	Oppose	<p>Delete</p> <p>(e) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(i) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(ii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p>	<p>Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.</p>	Reject	Key Issue 2

			<p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p> <p>(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;</p> <p>(b) Any other matter related to tikanga Māori.</p>			
5.29	Kāinga Ora	Oppose	<p>Delete</p> <p>(f) Papakāinga developments on general title land that do not comply with one or more of the permitted activity performance standards in Section 6.2.</p> <p>Matters to which the Council restricts its discretion:</p> <p>(iv) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.</p> <p>(iv) Effects on character and amenity values.</p> <p>(v) Connection to services.</p> <p>In relation to papakāinga developments on general title land are the additional matters of discretion:</p> <p>(vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.</p> <p>(vii) Evidence that the land will remain in Māori ownership in the long term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.</p> <p>Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:</p>	Kāinga Ora opposes this rule, there should be no distinction in activity status between papakāinga on Māori Freehold or General Title land. Kāinga Ora seeks for papakāinga to be a treated as a permitted or controlled activity and the deletion of this rule.	Reject	Key Issue 2

			(a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;			
			(b) Any other matter related to tikanga Māori.			

Section 20: Resource Consent Information Requirements and Assessment Matters

Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
4.3	Health New Zealand / Te Whatu Ora	Amend	Ensure that there is a communication plan associated with this plan change so that residents, whānau, iwi and hapū are aware of the opportunities for development that may be available to them.	To protect and enhance public health.	Accept in part	Key Issue 4 (Health and Wellbeing)
FS12.26	Ngāti Hāua Hapū	Support	Allow the submission in part, subject to further kōrero with Ngāti Hāua Hapū about the tools and wording in Section 20.	Support in part – Ngāti Hāua made similar submissions, particularly in relation to notification of the plan change. It is not clear if a communications plan is the appropriate tool to enable whānau, hapū, iwi and marae.	Accept in part	
5.30	Kāinga Ora	Amend	(f) For applications on General Title Land, whether evidence of an ancestral connection to the land and maintenance of the land title has been demonstrated. Appropriate legal mechanisms to demonstrate this may include: (i) Historic Record of Titles. (ii) Managing the land via a Trust.	Kāinga Ora support the matters of assessment, however, the maintenance of the land title is a private matter and is inappropriate matter for Council to assess this as part of a resource consent. Kāinga Ora seeks that this should be removed from the assessment matters.	Accept in part	Key Issue 4 (Resource Consent Information Requirements and Assessment Matters)
FS12.43	Ngāti Hāua Hapū	Support	Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.	Support in part – Ngāti Hāua Hapū agree maintenance of land title is a private matter; support in part given other submission points of Ngāti Hāua Hapū.	Accept in part	
7.18	Ngāti Hāua Hapū	Oppose	Clarity sought in relation to how section is utilised. Consequential amendments sought to ensure the provision of expert advice of tangata whenua to inform resource consent applications.	Ngāti Hāua are unclear how this section is utilised. We recommend amendments to ensure the engagement of the expert advice of tangata whenua to inform resource consent applications.	Accept in part	Key Issue 4 (Resource Consent Information Requirements and Assessment Matters)

General Matters

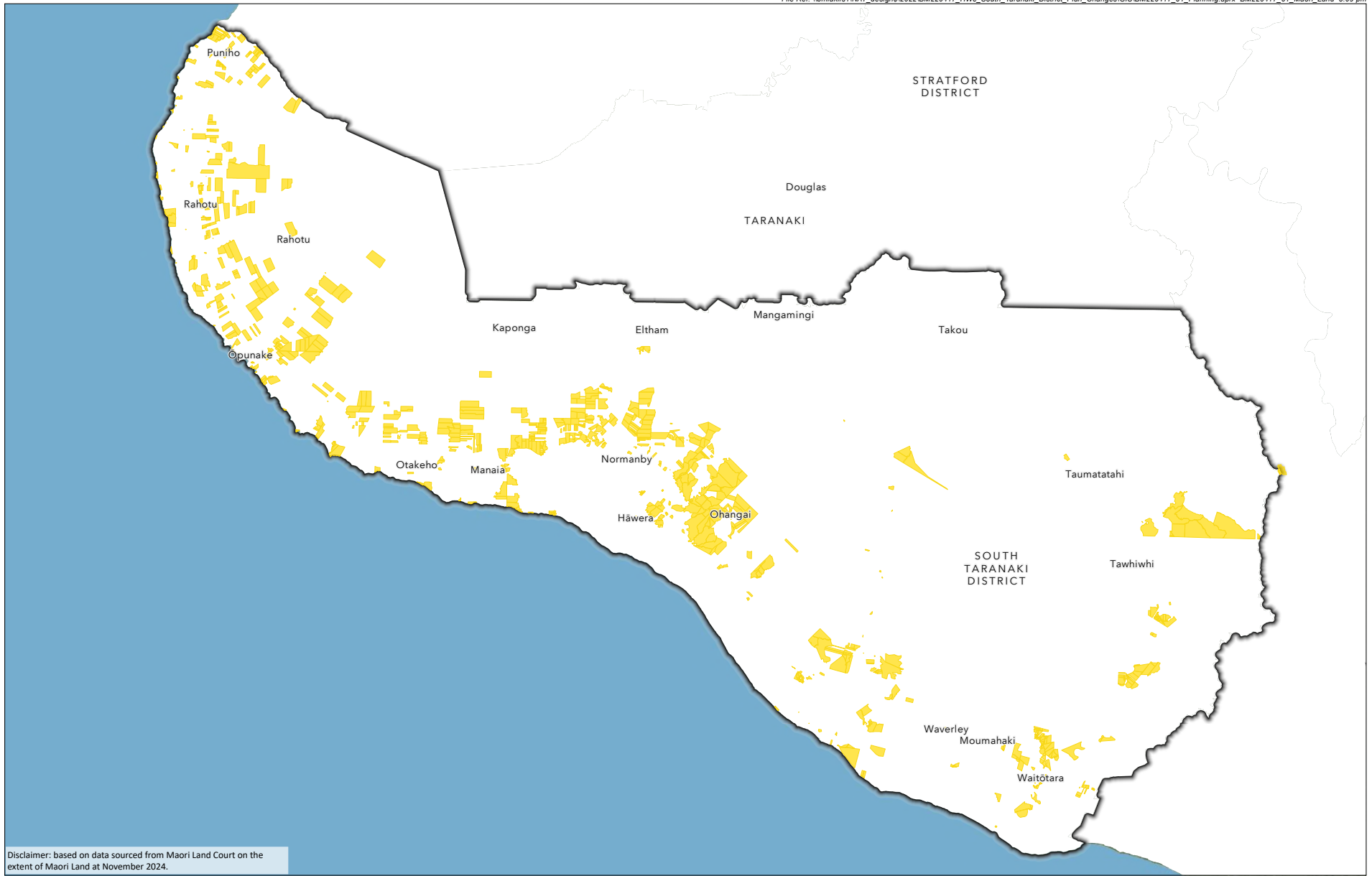
Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
4.4	Health New Zealand / Te Whatu Ora	Support	Retain proposed provisions as notified.	The submitter supports the increased provision for papakāinga development in the District Plan.	Accept	Key Issue 4 (General Support)
FS12.27	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Ngāti Hāua support the general comments regarding enabling provisions for papakāinga.	Accept	

7.19	Ngāti Hāua Hapū	Oppose	<p>Ensure that further submission notification processes to iwi, hapū, marae, Māori and Post-Settlement Governance Entities is completed.</p> <p>As per the Ngāti Hāua submission to the STDC Draft LTP 2024 – 2034, we invite STDC to Ngāti Hāua to better understand our aspirations for our hapū, whānau and uri, as well as our takiwā and environment.</p>	<p>Ngāti Hāua understand that notification of Plan Change 3 occurred through delivery of rates notices. As described in the introduction, Ngāti Hāua Hapū do not own or hold whenua, therefore we do not receive rates notices and did not receive notification of the Plan Change.</p> <p>Section 35A of the RMA requires Council to keep up to date records, including contact details, for hapū and iwi. This is a Council responsibility and would ensure appropriate notification to hapū, iwi and marae.</p> <p>Whilst Te Korowai o Ngāruahine may have received notification of the Plan Change, this is a Council process, prescribed by the RMA and therefore it is not the responsibility of the PSGE to advise hapū, marae and uri of a Plan Change which will most definitely have an effect. The Section 32 report also suggests consultation has occurred with tangata whenua in the development of Plan Change 3. Ngāti Hāua, as tangata whenua in and over our takiwā, have not been engaged to inform the plan change.</p>	Accept in part	Key Issue 4 (Notification Process)
7.20	Ngāti Hāua Hapū	Amend	<p>Deletion of the word ‘development’ in the title of Plan Change 3 and throughout the provisions when referencing PAKĀINGA. Deletion of the word ‘housing’ where it follows Papakāinga throughout the chapters and provisions. There are instances in the provisions where only ‘papakāinga’ is utilised.</p>	<p>Ngāti Hāua consider Papakāinga are not ‘development’ – Papakāinga are a way of life, the use of whenua Māori for tangata whenua – not development in the Western sense of use of land. Papakāinga are also not limited to ‘housing’ as detailed in the Papakāinga definition.</p>	Accept in part	Key Issue 4 (Wording)
8.1	Petrus Johannes Franciscus Rodeka	Support	<p>Retain provisions as notified.</p>	<p>Update the operative Papakāinga Development provisions to better support Iwi aspirations for Papakāinga Development, including definitions, objectives and policies, and zone-based rule frameworks.</p>	Accept in part	Key Issue 4 (General Support)
FS12.52	Ngāti Hāua Hapū	Support	<p>Allow the submission.</p>	<p>Support – Generally in accordance with the original submission of Ngāti Hāua Hapū.</p>	Accept in part	
8.2	Petrus Johannes Franciscus Rodeka	Support	<p>Retain the provisions as notified.</p>	<p>Enable a pathway for Papakāinga Development on General Title Land.</p>	Accept	Key Issue 2
FS12.53	Ngāti Hāua Hapū	Support	<p>Allow the submission in part subject to further kōrero and engagement with Ngāti Hāua Hapū.</p>	<p>Support in part – Providing for papakāinga on general title land is supported; however, Ngāti Hāua Hapū original submissions seek these should be broader.</p>	Accept in part	
8.3	Petrus Johannes Franciscus Rodeka	Support	<p>That the South Taranaki District Council adopt the proposed plan changes.</p>	<p>We support the two proposed plan changes.</p>	Accept	Key Issue 4 (General Support)

Section 16: Financial Contributions Rules

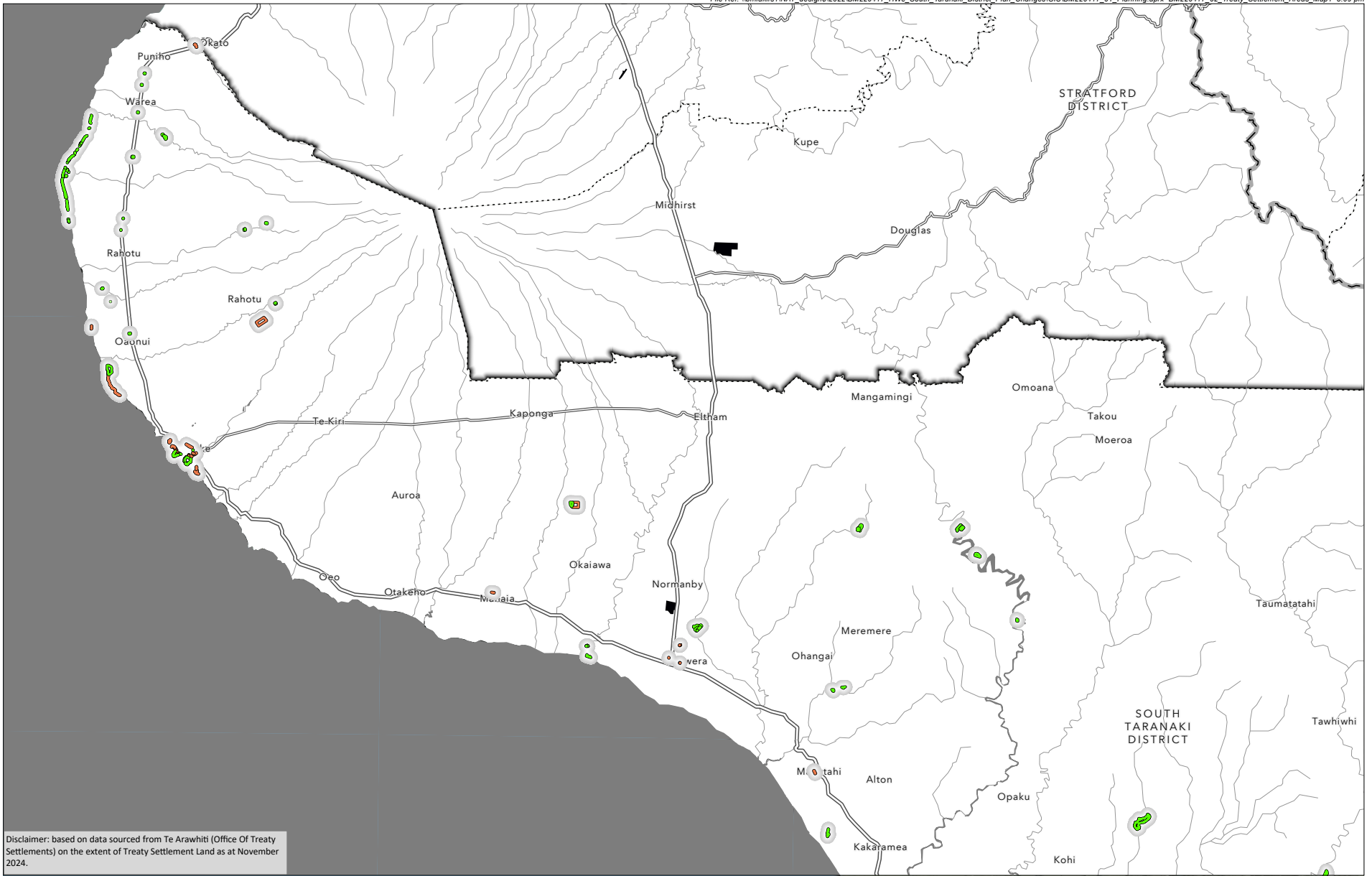
Submission No	Submitter	Position	Decision Requested	Reasons	Recommendation	Relevant Section of S42A Report
3.35	Te Korowai o Ngāruahine Trust	Support	<p>Remove the requirement for financial/ development contributions for papakāinga in the Plan through the rule framework.</p>	<p>Te Korowai o Ngāruahine made a submission to the STDC Draft Long-Term Plan 2024 – 2034 in relation to the removal for the requirement of financial/ development contributions for papakāinga and housing provision on whenua Māori. The removal of the financial/development contributions on papakāinga would remove further barriers for iwi, hapū, marae, whānau and uri in the development of papakāinga.</p>	Scope unclear	Table 1

				Whilst we appreciate that submission was made under the Local Government Act requirements, we consider it appropriate that this is reflected in the Plan. Te Korowai o Ngāruahine understand there are provisions under the Resource Management Act which enable this consideration.		
FS12.23	Ngāti Hāua Hapū	Support	Allow the submission.	Support – Generally in accordance with the original submission of Ngāti Hāua Hapū in relation to financial/ development contributions for papakāinga and the Ngāti Hāua Hapū submission to the STDC draft Long Term Plan 2024 - 2034.	Scope unclear	
7.17	Ngāti Hāua Hapū	Support	Remove the requirement for financial/ development contributions for papakāinga in the Plan through the rule framework.	<p>Ngāti Hāua made a submission to the STDC Draft Long-Term Plan 2024 – 2034 in relation to the removal for the requirement of financial/ development contributions for papakāinga and housing provision on whenua Māori.</p> <p>We stated in our submission that <i>‘the Council’s proposed Revenue and Financing Policy must go further to ensure tangata whenua are able to utilise our whenua in the least encumbered way possible and to support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993. Development contributions are another barrier for us in successfully utilising our ancestral lands in a way that meets our needs and aspirations. We recommend Papakāinga and housing developments on whenua Māori are exempt from development contributions and this be reflected in the Proposed Revenue and Financing Policy. This also acknowledges the significant housing needs amongst our community’.</i></p> <p>Whilst we appreciate that submission was made under the Local Government Act requirements, we consider it appropriate that this is reflected in the Plan. Ngāti Hāua understand there are provisions under the Resource Management Act which enable this consideration.</p>	Scope unclear	Table 1



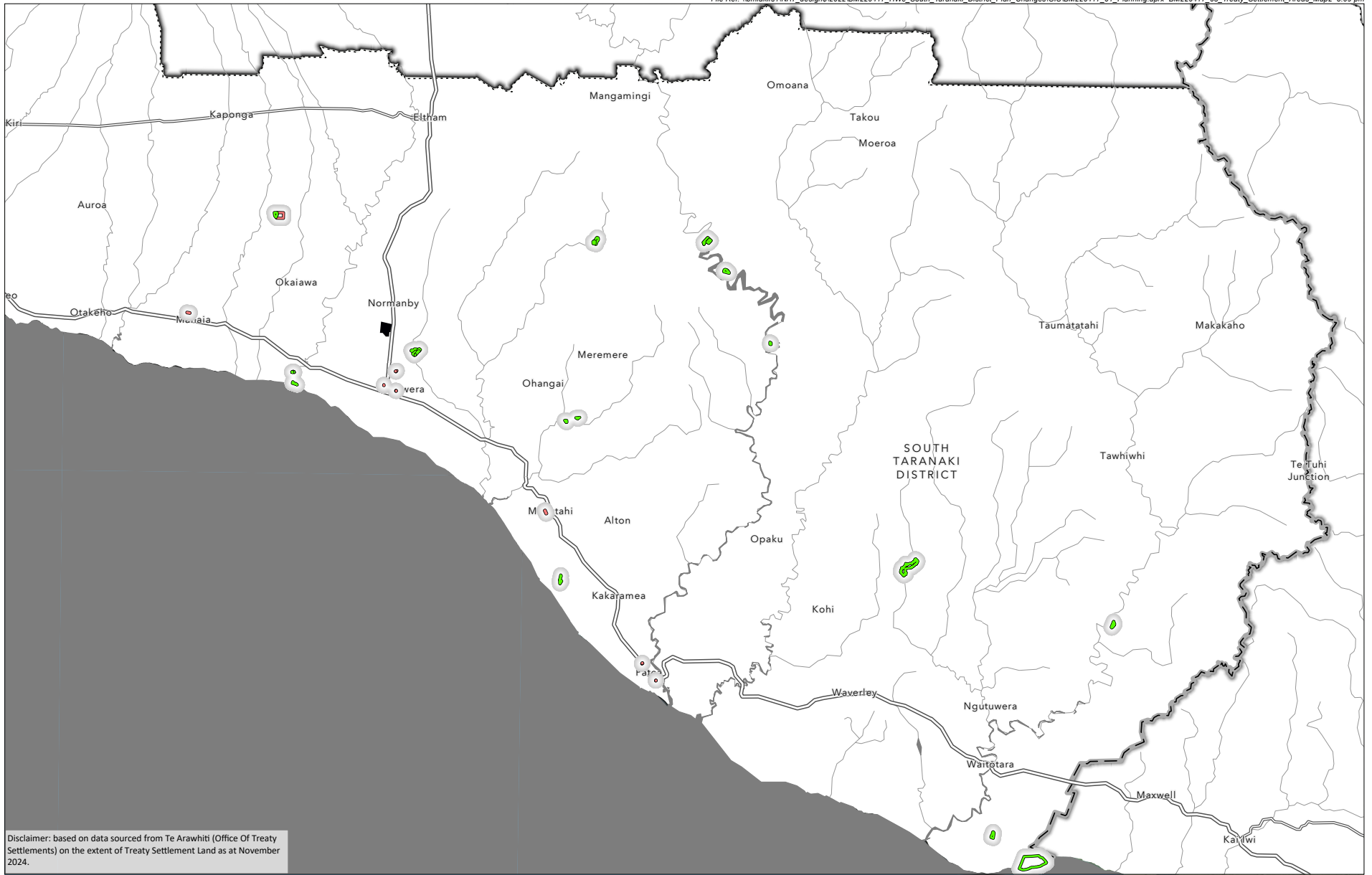
Disclaimer: based on data sourced from Maori Land Court on the extent of Maori Land at November 2024.

File Ref: \\bmlakifs1\NAT_designs\2022\BM220417_HWE_South_Taranaki_District_Plan_Changes\GIS\BM220417_01_Planning.aprx BM220417_02_Treaty_Settlement_Areas_Map1 5:09 pm



Disclaimer: based on data sourced from Te Arawhiti (Office Of Treaty Settlements) on the extent of Treaty Settlement Land as at November 2024.

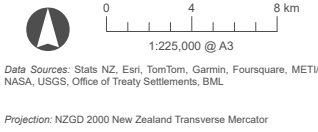
File Ref: \\bmlakifs1\NAT_designs\2022\BM220417_HW_South_Taranaki_District_Plan_Changes\GIS\BM220417_01_Planning.aprx BM220417_03_Treaty_Settlement_Areas_Map2 5:09 pm



Disclaimer: based on data sourced from Te Arawhiti (Office Of Treaty Settlements) on the extent of Treaty Settlement Land as at November 2024.



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- LEGEND**
- Treaty Settlement Areas
 - Commercial Redress property
 - Cultural vesting
 - Study Area

SOUTH TARANAKI
 Treaty Settlement Areas
 Date: 14 November 2024 | Revision: 0
 Plan prepared by Boffa Miskell Limited
 Project Manager: Hamish.Wesney@boffamiskell.co.nz | Drawn: SGa | Checked: JCa

Map 3

Our advice

Prepared for	South Taranaki District Council
Prepared by	Matt Conway
Date	2 September 2024

PRIVILEGED AND CONFIDENTIAL

8

PC3 Papakāinga Development – legal issues arising from submissions

Background	<p>South Taranaki District Council (Council) notified proposed Plan Change 3 Papakāinga Development (PC3 or Plan Change) on 2 May 2024.</p> <p>PC3 aims to update the existing papakāinga provisions in the Council’s District Plan (District Plan) to ensure that it is sufficiently enabling of papakāinga development.¹</p> <p>The Plan Change provides more enabling pathways for papakāinga development on land held under the Te Ture Whenua Māori Act 1993 (TTWMA) as well as general title land.</p> <p>The Council has received eight submissions on PC3 and has asked for legal advice on specific issues.</p>
Questions and Answers	<p>Q1: What is the test for a submission to be "on" a plan change and considered within scope of the plan change?</p> <p>There is a two-limb test for determining whether a submission is “on” a plan change:</p> <ol style="list-style-type: none"> 1. The first limb requires that submissions must reasonably be said to fall within the ambit of the plan change. This can be assessed by asking whether: <ol style="list-style-type: none"> 1.1 the submission raises matters that should have been addressed in the s 32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change; and 1.2 the management regime in a district plan for a particular resource is altered by the plan change. If it is not, then a submission seeking a new management regime for that resource

¹ Section 32 Assessment, at 26.

is unlikely to be “on” the plan change, unless the change is merely incidental or consequential.

2. The second limb asks whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective opportunity to respond to those additional changes in the plan change process. A precautionary approach is required to receiving submissions proposing more than incidental or consequential further changes to a notified proposed plan change.

Q2: Is maintenance of land title a valid and lawful matter of discretion to include in Rule 20.5.5 of the District Plan?

In our view, yes. The purpose of including this matter of discretion is to ensure that the papakāinga development pathways cannot be used for development that is not intended to be papakāinga. This goes directly to the Council’s function of managing the effects of the use, development, or protection of land. Additionally, it furthers the purpose of PC3.

Reasoning explained

The PC3 provisions update the District Plan's approach to papakāinga

Purpose of PC3

1. As traversed in the Council's section 32 report, PC3 is considered necessary because of the following issues with the current District Plan provisions relating to papakāinga development:²
 - 1.1 The existing provisions no longer reflect the development aspirations of tāngata whenua.
 - 1.2 Under the District Plan provisions, it is challenging for Māori to undertake papakāinga developments on their lands held under General Title.
 - 1.3 The existing provisions may no longer be up to date to enforce all relevant statutes.
2. PC3 aims to update the existing papakāinga provisions to ensure that the District Plan is sufficiently enabling of papakāinga, enforces relevant statutes, and reflects the aspirations of tāngata whenua.³
3. In particular, the new provisions are seeking to better achieve the matters of national importance set out in sections 6(e) and 6(g) of the Resource Management Act 1991 (**RMA**) and are expected to significantly contribute to how Māori can develop **ancestral land**.⁴
4. The relevant matters of national importance are:
 - 4.1 Section 6(e) - the relationship of Maori and their culture and traditions with their **ancestral lands**, water, sites, waahi tapu, and other taonga; and
 - 4.2 Section 6(g) - the protection of protected customary rights.

Key PC3 provisions

5. The objectives and policies behind the papakāinga provisions are in Section 2.7: Tāngata Whenua of the District Plan. Of particular relevance:
 - 5.1 **Objective 2.7.6 (existing):** to recognise and provide for the

² Section 32 Assessment, at 25-26.

³ At 26.

⁴ At 40.

relationship of Tāngata Whenua and their culture and traditions (including mauri) with land, water, sites and areas of cultural and spiritual significance, wāhi tapu and other taonga.

- 5.2 **Objective 2.7.8 (existing, proposed to be amended as shown):** to recognise and provide for development by Iwi, ~~and~~ hapū ~~and~~ whānau that enhances their social, cultural and economic well-being in a way that achieves sustainable management of the environment.
- 5.3 **Objective 2.7.11 (proposed new):** to provide for papakāinga development on land owned by Tāngata Whenua.
- 5.4 **Policy 2.7.18 (proposed new):** allow for papakāinga on General Title land where there is a demonstrated ancestral connection to the land and that the land is intended to remain with Māori long term.
- 5.5 **Policy 2.7.21 (existing):** recognise and provide for development and a range of activities by Iwi, and hapū and whānau on key sites to meet the needs and values of Tāngata Whenua.
6. PC3 also proposes to add the following as a new principal method of implementation in Section 2.7:
- In providing for papakāinga on Māori owned land, papakāinga will be provided for on land held under Te Ture Whenua Māori Act 1993; and allowed on general title land owned by Māori where it can be demonstrated that there is a whakapapa or ancestral connection to the land, and the land will remain in Māori ownership.
7. In the Appendix to this advice, we have set out an example from the Rural Zone chapter of how the new / amended rules operate, and how the different types of land are treated. In summary, among other changes, PC3 amends the Rural, Residential, Township and Commercial Zone chapters of the District Plan to provide that:
- 7.1 Papakāinga development is a permitted activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are met;
- 7.2 Papakāinga development is a controlled activity on land held under Te Ture Whenua Māori Act 1993 where the relevant performance standards are not met; and
- 7.3 Papakāinga development on General Title Land is a restricted discretionary activity.
-

8. The Council’s section 32 report states that papakāinga development on General Title Land needs to have a restricted discretionary activity status so that there is a planning assessment mechanism to undertake statutory assessments (e.g. NPS-HPL) and confirm that the land will be held under Māori ownership in perpetuity to meet proposed policy 2.7.18.⁵

9. PC3 also includes new and reworded definitions relating to Papakāinga Development, including:

9.1 General Title Land (in relation to Papakāinga Development):

means land that is **owned by Māori** which is not held under Te Ture Whenua Māori Act 1993;

9.2 Papakāinga Development on General Title Land:

means the development of multiple DWELLING UNITS that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on general title land that is **owned by Māori**.

9.3 Papakāinga Development:

means the integrated-development of multiple DWELLING UNITS, that may include Marae, supporting cultural information/tourism centres and other community building and recreation facilities on Maāori freehold land, Maāori customary land and Crown land reserved for Maāori (as defined in Te Ture Whenua Maāori Act 1993/ Maāori Land Act 1993).

There is a two-stage test for determining whether submissions are “on” a plan change

10. Clause 6(1) of Schedule 1 of the RMA provides that once a proposed plan is publicly notified under clause 5, the relevant persons may make a submission “on” it to the relevant local authority.

11. In *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, the High Court explicitly endorsed the approach in *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, which considered the circumstances in which a submission can be characterised as being “on” a plan change. The High Court was considering whether a submission seeking the rezoning of lots that were not included in the notified plan district plan change was valid.

12. The High Court endorsed a two-limb test for determining whether a submission is “on” a plan change:

5 Section 32 Report, at page 36.

12.1 The first limb requires that submissions must reasonably be said to fall within the ambit of the plan change. This can be assessed by asking whether:

- (a) the submission raises matters that should have been addressed in the s 32 evaluation and report. If so, the submission is unlikely to fall within the ambit of the plan change. Although the section 32 report will not necessarily be determinative of the matters that will be within scope (particularly if there are matters that should have been addressed but were not); and
- (b) the management regime in a district plan for a particular resource is altered by the plan change. If it is not, then a submission seeking a new management regime for that resource is unlikely to be “on” the plan change, unless the change is merely incidental or consequential.

12.2 The second limb asks whether there is a real risk that persons directly or potentially directly affected by the additional changes proposed in the submission have been denied an effective opportunity to respond to those additional changes in the plan change process. A precautionary approach is required to receiving submissions proposing more than incidental or consequential further changes to a notified proposed plan change. Robust, sustainable management of natural and physical resources requires notification of a s 32 analysis of the comparative merits of a proposed plan change to persons directly affected by those proposals.

13. Out of scope submissions have been described by the High Court as a “side wind”⁶, “coming out of left field”⁷ or “a submission proposing something completely novel.”⁸
14. PC3 made changes to sections 1-6 and section 20 of the District Plan. We have reviewed the contextual documents to assist with determining the scope of the plan change.
15. The public notice for PC3 states that:

The purpose of PC3 is to:

- Update the operative Papakāinga Development provisions to better

⁶ At [82].

⁷ *Clearwater*, at [69].

⁸ At [69].

support Iwi aspirations for Papakāinga Development, including definitions, objectives and policies, and zone-based rule frameworks.

- Enable a pathway for Papakāinga Development on General Title Land.

16. The section 32 report states:

The purpose of this plan change is to amend the current provisions to better enable papakāinga development in the South Taranaki district to provide for the relationship of tāngata whenua with their ancestral lands while still appropriately managing adverse effects on the surrounding environment.

17. It would be appropriate for the Council officers to address their view on whether submission points are on the plan change in the section 42A report, although the final decision on those matters will be for the hearing panel.

The Council is exercising a legitimate resource management function in requiring maintenance of land title

18. PC3 also seeks to amend Rule 20.5.5 of the Resource Consent Information Requirements and Assessment Matters Chapter of the District Plan which relates to Marae and Papakāinga Development.

19. PC3 adds a new assessment matter to be used in assessing land use applications for new Marae and/or Papakāinga development and redevelopment, namely:

(f) For applications on General Title Land, whether evidence of an ancestral connection to the land **and maintenance of the land title** has been demonstrated. Appropriate legal mechanisms to demonstrate this may include:

- (i) Historic Record of Titles.
- (ii) Managing the land via a Trust.

20. Kāinga Ora has made a submission in relation to this proposed amendment, seeking the removal of “maintenance of the land title” as an assessment matter; i.e.:

(f) For applications on General Title Land, whether evidence of an ancestral connection to the land ~~and maintenance of the land title~~ has been demonstrated. Appropriate legal mechanisms to demonstrate this may include:

- (i) Historic Record of Titles.
- (ii) Managing the land via a Trust.

21. The reason for this being:

the maintenance of the land title is a private matter and is inappropriate matter for Council to assess this as part of a resource consent.

22. The Council has indicated that the policy reason for including this as an assessment matter is to ensure that long term ownership of papakāinga housing for that purpose is demonstrated in the consent application and to prevent abuse of the general title pathway (or the permitted pathway) for development not intended to be papakāinga.

Is the Council fulfilling a legitimate resource management function in requiring the maintenance of land title?

23. Section 72 of the RMA provides that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the sustainable management purpose of this Act.

24. Section 31 of the RMA sets out the functions of territorial authorities, including (section 31(1)(a)):

the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

25. Additionally, section 76(1) of the RMA provides that the Council may include rules in a district plan, for the purpose of:

(a) Carrying out its functions under this Act; and

(b) Achieving the objectives and policies of the plan

26. In our view, the Council has a legitimate reason for including the maintenance of land title as an assessment matter in this case. The purpose of the rules is to achieve the objectives of the plan, and the relevant objectives seek to ensure that the papakāinga development pathways are genuinely used for papakāinga development. The type of land title is a key qualifying feature used in the papakāinga provisions.

27. Conversely, it is in keeping with the purpose of those the rules to set reasonable boundaries to ensure that the permissive pathway is only used for development that will be used for papakāinga over the life of the development. Maintenance of the qualifying land title relates to the purpose of the rules, as well as to the Council's function of managing the effects of the use, development, or protection of land.
-



**Please call or email
to discuss any
aspect of this
advice**

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Appendix – example of rural zone papakāinga development rules

Permitted Activity Rule

Rule 3.1.1 provides that the following activities are permitted activities in the Rural Zone, provided activities comply with all relevant Permitted Activity Performance Standards in Section 3.2 and all other Sections of the District Plan:

- (f) Papakāinga development on land held under Te Ture Whenua Māori Act 1993.

Controlled Activity Rule

Rule 3.1.2 provides that the following activity is a controlled activity in the Rural Zone:

- (b) Papakāinga developments on land held under Te Ture Whenua Māori Act 1993 that do not comply with one or more of the permitted activity performance standards in Section 3.2.

Matters to which the Council restricts its control:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.
- (iv) Connection to services.
- (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

Restricted Discretionary Activity Rule

Rule 3.1.3 provides that the following activities are restricted discretionary activities:

- (o) Papakāinga developments on general title land that comply with the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its discretion:

- (vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (vii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) *Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;*
- (b) *Any other matter related to tikanga Māori.*

(p) Papakāinga developments **on general title land** that do not comply with one or more of the permitted activity performance standards in Section 3.2. Matters to which the Council restricts its discretion:

- (i) Avoiding, remedying or mitigating of actual or potential effects deriving from noncompliance with the particular performance standard(s) that is not met.
- (ii) Effects on character and amenity values.
- (iii) Measures proposed to avoid or mitigate potential reverse sensitivity effects.
- (iv) Connection to services.
- (v) In areas not serviced by reticulated wastewater, stormwater and water supply, on-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

In relation to papakāinga developments on general title land are the additional matters of discretion:

- (vi) Whether the applicant has demonstrated their whakapapa or ancestral connection to the land.
- (vii) Evidence that the land will remain in Māori ownership in the long-term. This may be through the use of appropriate legal mechanism(s) to ensure that land is maintained in Māori ownership.

Note: For resource consent applications under this rule, the Council will obtain advice from the relevant iwi authority and will take this advice into account. The matters that Council will seek advice from iwi authorities on include:

- (a) Where the papakāinga is on general title land, whether the applicant has demonstrated a whakapapa or ancestral connection to the land;*
- (b) Any other matter related to tikanga Māori.*

BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL HEARING COMMISSIONERS

IN THE MATTER OF The Resource Management Act 1991

AND Te Kaunihera o Taranaki ki Te Tonga / South Taranaki District
Council Plan

AND Plan Change 3: Papakāinga Development

9

STATEMENT OF EVIDENCE OF RICHARD BUTTIMORE
ON BEHALF OF PARININIHI KI WAITOTARA INCORPORATION
DATED 24 FEBRURARY 2025



PO Box 241
Ngāmotu
Taranaki

Submitter No. 2 and Further Submitter No. 11

A INTRODUCTION AND STATEMENT OF EXPERIENCE

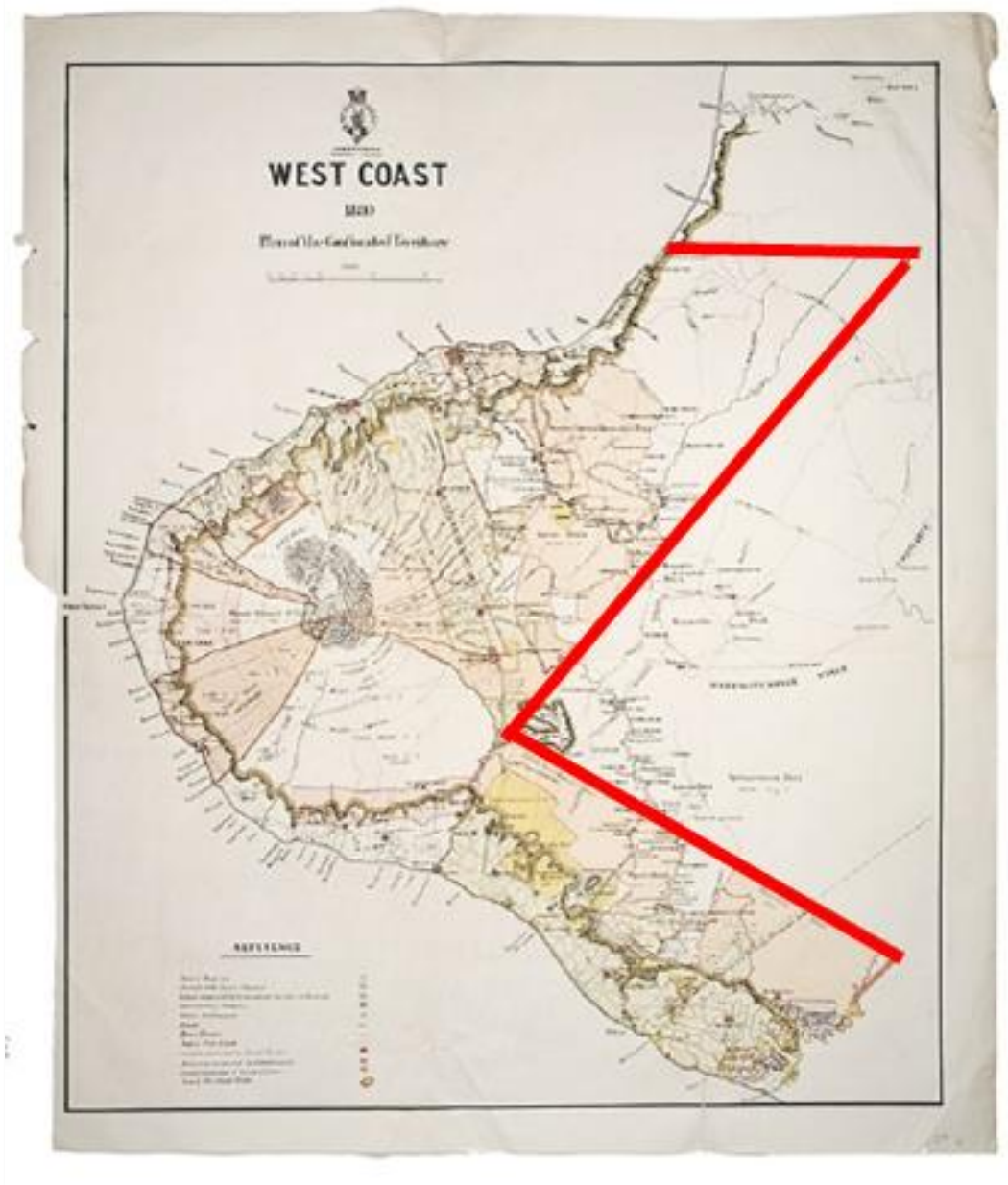
1. Ko Taranaki, Ko Pouākai, Ko Kaitake, Koia te puna I heke mai ai te tangata. Koia ko ō mātou nei okiokinga, ko mātou nei tō rātou okiokitanga.
2. My name is Richard Brian Buttimore and I am Te Rau Whakahono Pito/ General Manager of Property for Parininihi Ki Waitotara. I have held this position for the last 4 years.
3. I hold a Bachelor of Business Studies, majoring in Property Valuation and Management and Economics, as well as a Post Graduate Diploma in Finance from Massey University, Palmerston North.
4. I have 15 years' experience in a variety of property management and development roles working throughout New Zealand and Brisbane, Australia. Alongside this has been my lived experience through active participation as a Hapu member of Ngā Mahanga a Tāiri.

B PURPOSE AND SCOPE OF THIS EVIDENCE

5. The purpose of this evidence is to address:
 - a. The history of Parininihi Ki Waitōtara;
 - b. Current Parininihi Ki Waitōtara whenua holding;
 - c. Papakāinga Development.

C HISTORY OF PARININIHI KI WAITŌTARA

6. The 20,000ha of whenua tūpuna administered by Parininihi ki Waitōtara is defined by the confiscation line running from Parininihi (White Cliffs) in the north to Waitōtara in the south, a result of the Crown's wrongful confiscation of Taranaki Maori land in 1865 as the result of settler demand for land in Taranaki.
7. Following resistance to Government aggression resulting in armed conflict from 1860-1863 Taranaki Māori were deemed to be in rebellion against her Majesty's authority. Everything to the west of this line (500,000+ha) was confiscated under the Suppression of the Rebellion Act and the New Zealand Settlements Act in 1863.
8. After years of petitioning by Taranaki Māori, 81,500ha of confiscated land was finally returned in name only under the West Coast Settlement Reserves Act 1881. This Act provided for the lands to be surveyed, divided, and leased with the intention of promoting settlement opportunities for settlers. This underlying whenua was awarded to 5,289 individual people. While legal ownership of the 81,500ha was returned to Taranaki Māori, the right to occupy and utilise the whenua was not.



9. Over the following 10 years the 1881 Act was amended five times in which the legality of the leases became questionable due to administrative irregularities on the part of the Public Trustee. The subsequent West Coast Settlement Reserves Act 1892 legally validated the leases, going further than the original legislation by converting them from terminating to perpetual. This self-validating Act by the Crown forced an end to the owners litigation against the Public Trustee.
10. In 1963 the Titles of all the West Coast Settlements Reserves were amalgamated by the Crown into what became known as the Parininihi ki Waitōtara mega reserve. The 1963 amalgamation

order declared all reserves to be held in common ownership with one equitable title by all owners. Shares were produced and apportioned relative to the amount of land owned by the individual prior to amalgamation, severing on paper traditional whakapapa links held to individual land parcels.

11. In 1967 the Maori Affairs Amendment Act was introduced and was widely condemned and opposed by Māori leaders as the legislation was seen to encourage the alienation of whenua. The Act was introduced to deal with the Crown administrative problems of uneconomic interests, successions, and multi-ownership, introducing the notion of Māori Incorporations. This legislation enabled shares to be sold to the Maori Trustee, who in turn could sell those shares to West Coast Settlement Reserve Lessees, enabling Lessees to freehold.
12. Māori dissatisfaction with the perpetual leases led to several commissions of inquiry during the 1890 – 1970 period relating to the original confiscation, terms, conditions and management of the Leases by the Crown.
13. Parininihi Ki Waitotara Incorporation was established in 1976 following the extensive lobbying from an Owners Action Group to prevent the further alienation of Māori whenua and take over control from the Māori Trustee. By this time only 20,000ha of whenua tūpuna remained.

D CURRENT PARININIHI KI WAITŌTARA WHENUA HOLDING

14. Parininihi ki Waitōtara currently administers over 21,000ha of whenua within Taranaki on behalf of its 11,500 Te Rau Titikura (Shareholders) under a mix of ownership tenure, the vast majority of whenua is zoned rural.
15. 17,300ha is situated in the rohe o Te Kaunihera ō Taranaki ki Te Tonga, 16,800ha of which is Māori Freehold Whenua. A breakdown of the different landholdings is below.
 - a. General Title whenua - 500ha
 - b. Māori Freehold Whenua – 16,800ha
 - i. Leasehold Whenua - 16,050ha (underlying Title is Māori Freehold)
 - Leasehold Whenua where the Leasehold Interest is owned by a third party – 13,350ha.
 - Leasehold Whenua where the Leasehold Interest is owned by Parininihi ki Waitōtara – 2,700ha
 - ii. Māori Freehold Whenua (sole title) directly owned by Parininihi ki Waitōtara – 750ha.
16. Of critical importance is understanding the access to Māori Freehold whenua is frustrated by the perseverance of Leasehold Titles pursuant to the Maori Reserved Lands Amendment Act 1997, which continues to limit the ability of tangata whenua to use and occupy their whenua.
17. It is too simplistic to assume all of the land holdings of Parininihi ki Waitōtara are unencumbered similar to other freehold titles and use this as the scope of opportunity for the development of papakāinga as a permitted activity across the South Taranaki District.
18. Parininihi ki Waitōtara currently have operating interests that include, bovine and ovine dairy, Koura fisheries, horticulture, forestry and commercial property.

19. As a Māori land-based organisation, PKW is deeply aligned with the environmental values upheld by hapū, iwi and our Te Rau Titikura. We hold the view that this shared values system of manaakitanga, whanaungatanga, whakapono and kaitiakitanga which are woven into our Kaitiakitanga Strategy, directing and enabling Parininihi ki Waitōtara to enhance the mana of the whenua and the mana of the people who are the custodians of the land, ensuring it flourishes for generations to come.

E PAPAĀINGA DEVELOPMENT

20. Parininihi Ki Waitōtara supports the intent, and in principle the Papakāinga provisions of the Proposed Plan Change 3: Papakāinga Development as a way to empower whanau, marae, hapū and Iwi to develop Papakāinga and utilise their whenua in a way that benefits current and future generations.
21. Parininihi ki Waitōtara is a Taranaki Māori Incorporation, our Te Rau Titikura are the descendants of the whenua returned to Taranaki Māori as a result of the wrongful confiscation by the Crown under the West Coast Settlement Reserves Act in 1881 as set out above.
22. Parininihi ki Waitōtara seek to support or Te Rau Titikura, whanau, marae, hapū and Iwi in achieving their aspirations and reconnect them with their whenua.
23. Parininihi ki Waitōtara support Papakāinga Development regardless of Land Zoning or Land Ownership status as a way to help realise this Aspiration.

F RECOMMENDATIONS

24. To address the issues that I have raised, this evidence recommends:
 - a. The provisions of PLC03 are amended to better recognise the context within which Māori Freehold and Māori Customary land in Taranaki has eventuated; and specifically, that despite this freehold title, the overlying perpetual leasehold title is a significant impediment to this whenua being available for whānau, hapū and iwi to realise their aspiration on whenua they have whakapapa to.
 - b. The definition of General Title Land in Section 1: Introduction and Definitions is expanded to include ownership of General Title Land by Māori Incorporations, Māori Land Trusts and or other applicable Māori ownership structures.
 - c. The proposed amendment to Section 1. Introduction the definition of Papakāinga Development to include General Title Land that is ancestral land is supported in principle.
 - d. The proposed amendment of Section 2.7.5 within Objectives and Polies 5 regarding enabling Papakāinga on General Title Whenua is given affect to.
 - e. The proposed amendments to Section 3. Rural Zone, Section 4. Residentials Zone and Section 4. Township Zone are extended to enable papakāinga to be developed as a permitted activity irrespective of the underlying title.

RICHARD BUTTIMORE
24 February 2025

BEFORE THE HEARING COMMISSIONERS

IN THE MATTER OF: **The Resource Management Act 1991**
AND: **The South Taranaki District Plan**
AND: **Plan Change 03: Papakāinga Development**

STATEMENT OF EVIDENCE

OF: **Tāne Manu**

On behalf of:

Ngā Mahanga a Tāiri

DATED: 24 February 2025

A INTRODUCTION

1. My name is Tāne Duane Ngahina Manu, and I am a descendant of Ngā Mahanga a Tāiri. From a mātauranga Māori world view my whakapapa is the only legitimate basis upon which expert evidence on mana whenua values can be provided. I trust that the hearing panel can interpret my evidence with those considerations in mind.
2. I represent Ngā Mahanga a Tāiri on many resource management engagement processes working towards the the outcomes sought for our relationship with our ancestral lands, waters, sites, wāhi tapu and other Taonga.

B PURPOSE AND SCOPE OF THIS EVIDENCE

3. The purpose of this evidence is to address:
 - a. Plan Change 03: Papakāinga Development ('PLC03').
 - b. The definition of Papakāinga.
 - c. Mana whenua, and the role of papakāinga connecting our people with their place.
4. In preparing this submission we have read:
 - d. The above-mentioned plan change;
 - e. The Ngā Mahanga a Tāiri submission and further submission;
 - f. *Taiao Taiora*, Taranaki Iwi management plan.

C DEFINITION OF PAKAKĀINGA AND SUPPORT FOR THIS ACTIVITY ACROSS OUR ROHE

5. Ngā Mahanga a Tāiri (Ngā Mahanga and Ngāti Tāiri) will always hold ahi kā for the area between Waiweranui and Waiwhakaiho River, however today Ngā Mahanga a Tāiri exercise mana whenua over an area bounded by the Waiweranui River and Ōnukutaipari (Paritutu), which includes our Tūpuna Maunga of Kaitake, Pūkeiti, Pouākai and part of Taranaki Maunga.
6. Due to raupatu (land confiscation) our ancestral lands are now a mosaic of different land titles, statuses and ownership models.
7. Despite this, the role of papakāinga within Ngā Mahanga a Tāiri remain the same; that is a fundamental vehicle to connect mana whenua with whenua. It is whakapapa.
8. I understand that papakāinga can take may different forms in different contexts, as contemporary solutions are adopted, technology innovates and the aspirations of rangatahi māori evolve.
9. This issue was traversed at length through the development of the New Plymouth District Plan; including within that Ngā Kaitiaki group of which I remain an active member. The definition within the New Plymouth District Plan reads as follows:

Papakāinga: means a comprehensive development for [tangata whenua](#) residing in the New Plymouth District to provide residential accommodation for members of [iwi](#) or [hapū](#) groups. It also includes communal [buildings](#) and facilities.

10. I recommend a consistent approach be adopted in PLC03, to enable a consistent definition of papakāinga across our rohe.

D IMPLEMENTATION OF THE PROPOSED PLAN PROVISIONS

11. There are a number of practical implementation challenges in the provisions amended in the section 42A report that I would like to draw the attention of the hearing committee to.
12. As outlined in section 5 of this evidence, Ngā Mahanga a Tāiri span both South Taranaki and New Plymouth Districts. Consistent definitions, and consistent planning approaches to papakāinga as an activity across our rohe is recommended.
13. The implementation of the rule framework appears to rely on third parties (i.e., a Post Settlement Governance Entity ('PSGE')) to inform whether an individual, whanau or hapū hold mana whenua. In my view it is not the role of the PSGE to inform mana whenua status, and this has the potential to unnecessarily erode relationships.
14. The Te Tiriti relationship sits between hapū and the Crown, and South Taranaki District Council ('STDC') by extension. Ngā Mahanga a Tāiri maintains an expectation that the implementation of the District Plan will implement our partnership, and respect the tino rangatiratanga of Ngā Mahanga a Tāiri; these provisions as currently drafted do not achieve this.

E CONCLUSIONS AND RECOMMENDATIONS

15. To address the issues raised in this evidence, Ngā Mahanga a Tāiri recommend:
 - a. Amend the definition of papakāinga to be consistent with the New Plymouth District Plan, specifically to recognise the diversity of land titles the activity is now required to be undertaken on as a result of the muru me te raupatu, and the particular Taranaki context.
 - b. Recognise the practical implementation challenges relying on PSGE to inform and determine mana whenua status, and that role sits elsewhere.
 - c. Recognise and provide for the te Tiriti relationship between the Crown, and Hapū.

BEFORE THE HEARING COMMISSIONERS

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 - b. Recognise the practical implementation challenges relying on PSGE to inform and determine mana whenua status, and that role sits elsewhere.
 - c. Recognise and provide for the te Tiriti relationship between the Crown, and Hapū.

BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL HEARING PANEL

IN THE MATTER OF The Resource Management Act 1991

AND The Proposed South Taranaki District Plan

AND The Papakāinga Development Plan Change (PC3)

9

STATEMENT OF EVIDENCE OF NGĀHINA CAPPER

ON BEHALF OF TE TĀMORE PAKĀINGA

DATED 2 FEBRUARY 2025

Further Submitter.

A INTRODUCTION

Ko Taranaki Te Maunga

Ko Teikapārua Te Awa

Ko Kurahaupō Te Waka

Ko Taranaki Te Iwi

Ko Ngāti Moeahu Te Hapū

Ko Te Tāmōre o te Tī Kōuka te papa whenua, te papakāinga

Ma taku hono ki ōku tupuna ka hono au ki ngā iwi katoa o Taranaki Maunga

Ko Ngahina Capper tōku ingoa

B PURPOSE AND SCOPE OF THIS EVIDENCE

1. The purpose of this evidence is to address:
 - a. Papakāinga as I understand them to be.
 - b. Whānau aspirations for papakāinga into the future.
2. In preparing this evidence I have read:
 - c. The submission of Te Kāhui o Taranaki (submitter number 9), and the other submissions made to Plan Change 03: Papakāinga Development.
 - d. Plan Change 03: Papakāinga Development.

C STATEMENT OF EXPERIENCE

3. I am providing this statement in support of my further submission, as well as the submission of Te Kāhui o Taranaki Trust.
4. I previously worked for Te Kāhui o Taranaki as their Kaitiaki Whenua. This role included the oversight, protection, care and preservation of their taonga sites that were transferred back as part of their settlement.
5. Over that time, I have seen and felt first-hand the direct impact the return of these lands has had on uri of Taranaki Iwi in terms of reconnection, opportunity and the ability to implement our roles as Kaitiaki.
6. This was the catalyst in my thinking when making two lifechanging decisions. Purchasing whenua on our ancestral lands and studying at university for the first time.
7. In 2021 my whānau and I purchased land that was previously confiscated by the Crown. This is held in general title.
8. In 2022 I completed my Masters of Māori and Indigenous Leadership with Distinction at the University of Canterbury. My research and thesis were on the “Revitalisation and Establishment of Whānau Papakāinga” and the critical role that whānau papakāinga can play in the advancement of whānau hauora, tino rangatiratanga and mana motuhake.
9. In 2023 I was invited to join the first intake and cohort of the National Māori Housing Leadership Programme named Mana Kainga which was in association with Te Matapihi. The programme was designed to advance capability in the Māori housing sector. The intention of

the programme was to weave together the multiple strands of Māori housing knowledge to form a cohesive curriculum and making this available to Māori community navigators through uniquely Māori delivery modes.

10. As a result of this experience, I understand the impact that District Plan changes can have on papakāinga development and the ability for whānau to actualise their dreams of living on their ancestral lands.

C PAPAKĀINGA

11. A papakāinga is a settlement built on whenua to which the people who live there have an affiliation or connection, and it is underpinned by key values that uphold and enhance manaakitanga, kaitiakitanga, wairuatanga, and whanaungatanga.
12. Pre-colonisation Māori lived on papakāinga which were deliberately situated near natural resources, and within proximity to ancestral fortifications, making the papakāinga a pivotal place for social, cultural, and economic activity.
13. Prior to World War II, approximately 90% of Māori lived on or near their ancestral lands. After the war, many Māori relocated to cities in search of work and adopted the Pākehā way of life. Numerous liwi and hapū are now exploring ways to develop their ancestral lands and encourage more whānau to return and reconnect with their whenua.
14. Papakāinga often have genealogical attachments and are aligned with Māori ethics and values. Thus, establishing papakāinga is an essential part of ensuring intergenerational advancement, growth and social change.

C RAUPATU

15. Te Tiriti o Waitangi, which was signed in 1840 by the British Crown and many Māori rangatira was intended to establish a partnership between Māori and the Crown. However, different interpretations of the Treaty terms as well as subsequent violations of those terms, resulted in conflict.
16. Following the 1840 signing of te Tiriti o Waitangi a movement emerged to protect Māori autonomy and land ownership, the establishment of a Māori monarch known as the Kingitanga was a way and means to combat colonisation.
17. In response to the Kingitanga movement, any tribes that were deemed to have “engaged in open rebellion against Her Majesty’s authority” had their lands confiscated. This was enabled by legislation passed in parliament that would see confiscated land occupied by Pākehā settlers.
18. Prior to the Treaty's signing, Māori retained control of the majority of New Zealand's territory. However, between 1840 and 1900, Māori were alienated from most of their whenua. By 1870, the Crown had seized nearly the entire South Island, and by the early 1900s, the majority of the North Island as well.

19. Land confiscations had a devastating effect on tribal areas, with a total of 3,490,737 acres ultimately confiscated, the largest proportion of confiscations taking place here in Taranaki, with 1,244,300 acres stolen.
20. Land dispossession, economic resource loss, and the denigration of cultural practices are all long-term social consequences Māori have faced because of colonisation's cruelty and theft of natural resources. Land confiscations have negatively impacted on tribal communities, and a continuation of this is seen in today's demographics.

D DISPOSSESSION OF OUR LANDS AND LOSS OF CONNECTION

21. My tūpuna were directly affected by the callousness of the Crown and the dispossession of their whenua, deeply affecting our whānau social structure and normal way of life.
22. A variety of acts were created to dismantle Māori social, cultural, and economic structures, essentially freeing up Whenua Māori for immigrants to take up residency on our ancestral lands.
23. The New Zealand Settlements Act (1863), Public Works Act (1864), and the Noxious Weeds Act (1900) were all forms of expropriation that initiated the removal of my tūpuna from their whenua, leaving an intergenerational impact on our whānau.
24. This displacement has seen a disconnect for many of my whānau members, including myself, where in the past I have struggled to understand my own connection, personal identity and purpose.

E RETURN TO LAND AND RECONNECTION

25. Over the past 12 years since moving home from Australia I have been fortunate enough to partake in a journey of rediscovery and reconnection which has had a profound impact on not only my life but the lives of my tamariki and whānau.
26. As part of the Deferred Selection Property ('DSP') process 4 years ago our whānau purchased whenua that was previously confiscated whenua from the Crown, and although this comes at a cost, it provides our whānau an opportunity to restore our rights of passage to whenua to which we directly whakapapa to. These ancestral lands will provide our whānau with the opportunity to promote and strengthen tino rangatiratanga and mana motuhake within our whānau and within the wider community.
27. These ancestral lands we now stand on are the lands of Ngāti Moeahu, the lands of my ancestors as written by my great great great grandfather Wharepouri II on the 5th October 1892 in a letter to the Honourable Sir Alfred Jerome Cadman.
28. Today, the whenua is known as Te Tāmōre. It is held in general title, a legacy of the journey of the whenua from whenua Māori back to whenua Māori. There are a number of practical challenges that mean transferring this title to Māori Freehold, chief of which is the loan my whānau has been required to take out with a bank to access the DSP property. I understand that this will be a repeated issue across Taranaki as a legacy of the Raupatu that Plan Change 03: Papakāinga Development must engage directly with.

29. Irrespective of the underlying title, our aspirations remain; to establish a papakāinga that is there to support whānau connect with their place in the world. Substantial work has gone towards realising this to date. It is not clear what value a resource consent process would add at this stage, nor how it would in similar situations to ours around the South Taranaki District.
30. Looking to the future, Te Tāmore is pivotal in ensuring the well-being of our extended whānau. Our expectation is that South Taranaki District Council recognise and provide for this in its regulatory plans.

F RECOMMENDATIONS

31. To address the issues that I have raised, this evidence recommends:
 - a. Provide for a range of land ownership and title structures held by mana whenua to establish papakāinga across the South Taranaki district as a permitted activity.

Ngāhina Capper

24 February 2025

BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL HEARING COMMISSIONERS

IN THE MATTER OF The Resource Management Act 1991

AND The South Taranaki District Plan

AND Plan Change 3: Papakāinga

9

STATEMENT OF EVIDENCE OF KARL LINDSAY ADAMSON

ON BEHALF OF NGĀTI HĀUA HAPŪ

DATED 26 FEBRUARY 2025

Submitter No. 7 and Further Submitter No. 12

1

A INTRODUCTION AND STATEMENT OF EXPERIENCE

1. My full name is Karl Lindsay Adamson.
2. I whakapapa to Ngāruahine (Ngāti Hāua Hapū and Ōkahu-Inuawai Hapū), Tainui and Te Atiawa.
3. I am currently Chairperson of Ngāti Hāua Whānui Incorporated Society, the mandated organisation that represents the collective interests of Ngāti Hāua Hapū, also known as Ngāti Hāua Piko ('Ngāti Hāua'). I have been Chairperson of Ngāti Hāua since 2023 and previously from 2014 to 2020, prior to that I was Treasurer (2014 to 2023). I have been involved in Ngāti Hāua affairs since 2010. I am also the Treasurer of Ōkahu-Inuawai Hapū and have been since 2021.
4. I am the Chairperson on the Okare ki Uta Marae and Ngāti Hāua Sub 16 (Māori Freehold Land). We are currently nearing completion of the re-build of our marae on Taikatu Road.
5. I am the Ngāti Hāua māngai on Ngāruahine Iwi Authority Trust (NIA) and am the Ngāti Hāua representative for the Ngā Hapū o Ngāruahine Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) Claim. I own my own business, Manaia Plumbing Limited and have done so since 2021. Prior to this I have held various positions of responsibility in Project or Operational Management.
6. I am providing this statement of evidence in support of the submissions of Ngāti Hāua Hapū (Original Submission No. 7 and Further Submission No. 12).

B PURPOSE AND SCOPE OF THIS EVIDENCE

7. This evidence responds to:
 - a. The rohe of Ngāti Hāua Hapū.
 - b. Muru me te raupatu and colonisation.
 - c. Ngāti Hāua Hapū strategic vision and aspirations.
 - d. Reacquisition of whenua in Ngāti Hāua Hapū rohe.
 - e. Ngāti Hāua Hapū response to the section 42A recommendations:
 - i. Engagement with tangata whenua on papakāinga proposals.
 - ii. Reliance on Post Settlement Governance Entities for advice on ancestral connections.
 - iii. Enabling nature of the plan change.
8. In preparing this evidence, I confirm I am familiar with the following:
 - a. The original and further submissions of Ngāti Hāua Hapū.
 - b. The South Taranaki District Council Plan Change 3: Papakāinga (PC3) documents.
 - c. The Section 42A report for the Plan Change 3.

C THE ROHE OF NGĀTI HĀUA HAPŪ

9. Ngāti Hāua Hapū are tangata whenua over the lands, waters, sites, taonga species, wāhi tapu/wāhi taonga, urupā, sites and areas of significance to Māori and other taonga within our rohe. Ngāti Hāua Hapū has strong historical, traditional, cultural and spiritual connections within this rohe, our environment is a part of who we are. In return, we as kaitiaki, have the responsibility of ensuring the mauri of these environmental and cultural resources is protected and enhanced for future generations.
10. The Ngāti Hāua Hapū rohe is described as extending seaward from the mouth of the Otakeho stream following inland to Taranaki Maunga, then turning and following the western side of the Rāoa stream back to seaward, Hawaiikinui, Hawaikiroa, Hawaikipāmamao. Our whanaungatanga rohe extends from the eastern side of the Kaipokonui River of Ngāti Tū Hapū, to the western side of the Wahamoko stream of Ngāti Tamaahuroa-Titahi Hapū, Hawaiikinui, Hawaikiroa, Hawaikipāmamao.
11. Ngāti Hāua Hapū have two marae in our rohe – Tawhitinui (State Highway 45) and Okare-ki-Uta (Taikātu Road).
12. These are our ancestral lands, where we whakapapa, where our tūpuna once walked. These are our ancestral lands, where our mokopuna will continue to walk for eternity. Whenua is where we are born and where we die.

D MURU ME TE RAUPATU AND COLONISATION

13. It is well known that Ngāruahine and other Taranaki iwi suffered from the muru me te raupatu and colonisation. All lands within Ngāruahine, including the rohe of Ngāti Hāua Hapū, were confiscated and plundered. Some of the effects and impacts of the muru me te raupatu including on-going grief from the loss of land, disruption of our traditional practices, loss of our economic development and loss of our te reo Māori – physical, cultural and spiritual losses. One of the key impacts is the loss of an active relationship with our ancestral lands. Through the application of successive legislation, our rohe has been further fragmented by different land tenure types and statuses, ownership models, with an overlying rural zoning (our rohe is entirely within the rural zoning), in an attempt to further degrade our relationship, our whakapapa and to disempower us collectively.
14. Whilst Ngāti Hāua uri may have whenua in their 'ownership' within Ngāti Hāua rohe, collectively Ngāti Hāua Hapū does not currently 'own' or hold any whenua in our rohe. Notwithstanding the on-going effects of muru me te raupatu and colonisation, Ngāti Hāua continue to evolve, grow and thrive.

E NGĀTI HĀUA HAPŪ STRATEGIC ASPIRATIONS AND VISION

15. *"KOKIRI" ...doing it - Ngāti Hāuatanga 2020-2023 (Strategic Plan) is the Ngāti Hāua Hapū strategic plan. It consists of four pou – Matauranga Māori, Marae Development and Hapūtanga. The Strategic Plan acknowledges that 'against all odds, Ngāti Hāua is still here after 170 years.. today in 2020 are setting up a 'huarahi' (pathway) to ensure the legacy of Ngāti Hāua continues for another 170 years and beyond'.*

16. An extension of this strategic plan is the Ngāti Hāua/ Hāua Piko Hapū Development and Whai Rawa Strategy, *Te Toka Te Manawa Ora 2028* (Te Toka Te Manawa Ora). Supporting uri to access warm and healthy homes through papakāinga and developing economic land development plans (including papakāinga) are aspirations of Ngāti Hāua (among other things). I also understand papakāinga will also be explored to directly support through the marae and pā. For Ngāti Hāua, papakāinga are not only a housing option or solution, but they are also in our whakapapa and are our physical, spiritual and cultural connection to our ancestral lands. We understand they may be traditional or contemporary in nature. This is for tangata whenua to decide which form papakāinga will take. They will enable us to actively practice kaitiakitanga, whanaungatanga and rangatiratanga.

F REACQUISITION OF WHENUA IN NGĀTI HĀUA HAPŪ ROHE

17. Ngāti Hāua Hapū are currently working alongside Te Korowai o Ngāruahine Trust to re-acquire some of our whenua, some of our ancestral lands back. Specifically this whenua are two deferred selection properties (DSPs) under the Ngāruahine Deed of Settlement, being the former Awatuna and Otakeho Schools (as described in the section 42A report at paragraph no. 100). These properties will be returned through a Special Purpose Vehicle (SPV) model and will see hapū benefit from the on-going support of Te Korowai, assisting us with achieving our whenua and hapū aspirations.
18. I understand that the DSP process as prescribed under the Deed of Settlement will see the two DSP properties described above will be returned to Te Korowai o Ngāruahine Trust as general title land. These properties have other legacy resource management challenges (for tangata whenua) associated with them, including land contamination and (Pākēhā) heritage items. Development of our aspirations for these properties are still being explored, papakāinga are an option for both, given their proximity to both marae/ pā.

G NGĀTI HĀUA HAPŪ RESPONSE TO THE SECTION 42A RECOMMENDATIONS

Engagement with tangata whenua on papakāinga proposals

19. Ngāti Hāua Hapū maintain concerns that direct engagement on the papakāinga proposals had not taken place with hapū, marae, whānau and Māori landowners. We discussed this with South Taranaki District Council in an informal pre-hearing hui as described in the section 42A report. Ngāti Hāua in our response to the informal pre-hearing hui, advised that sharing information via the Post Settlement Governance Entities (PSGEs) does not constitute meaningful engagement with hapū. Council officers are reminded the Treaty relationship is held between hapū and Council (as an extension of the Crown).

Reliance on PSGEs for advice on ancestral connections

20. Ngāti Hāua are of the view that PSGEs are not iwi and advice on ancestral connections should be sought from hapū as the holders of that information. As mentioned above, the Treaty relationship is between hapū and Council.

Enabling nature of the plan change

21. Ngāti Hāua disagree that the plan change is enabling. As described above, the effects of muru me te raupatu and colonisation have been intergenerational for Ngāti Hāua, the grief of the loss of land continues to be felt and successive legislation changes have further fragmented our rohe. Ancestral lands form part of the landscape, papakāinga should be expected and accepted in them. We should be empowered and enabled to undertake papakāinga.

H CONCLUSION AND RECOMMENDATIONS

22. To address the issues that I have raised, this evidence recommends:
- a. Recognition of the on-going impacts of muru me te raupatu and colonisation on Ngāti Hāua Hapū.
 - b. Recognition of the Ngāti Hāua Hapū future aspirations for papakāinga in our rohe which may or may not be on Māori land under Te Ture Whenua Māori Act 1993.
 - c. STDC provide for papakāinga for the relationship with ancestral lands rather than by land tenure, status and ownership.
 - d. STDC improve engagement with Ngāti Hāua on resource management matters moving forward.

Karl Lindsay Adamson

26 February 2025

BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL HEARING COMMISSIONERS

IN THE MATTER OF The Resource Management Act 1991

AND The South Taranaki District Plan

AND Plan Change 3: Papakāinga

9

STATEMENT OF EVIDENCE OF SARAH KATARINA MAKO

ON BEHALF OF NGĀTI HĀUA HAPŪ

DATED 26 FEBRUARY 2025

Submitter No. 7 and Further Submitter No. 12

A INTRODUCTION AND STATEMENT OF EXPERIENCE

1. He mihi tēnei ki a koutou i whai wāhi ki te tuku whakaaro e pā ana ki tēnei kaupapa. Whatungarongaro te tangata, toitū te whenua. Tēnā koutou katoa.

2. I te taha o tōku Kuia;
Ko Ruawahia te maunga.
Ko Te Awa o Te Atua te awa.
Ko Te Arawa te waka.
Ko Ngāti Rangitihī te iwi.
Ko Rangiaohia te marae.
Ko Irene Raureti tōku Kuia.

I te taha o tōku Koro;
Ko Taranaki me Aorangi ngā maunga.
Ko Taikātu me Moawhango ngā awa.
Ko Aotea me Tākitimu ngā waka.
No Ngāruahinerangi me Ngāti Whitikaupeka ngā iwi.
Ko Okare-ki-Uta me Te Riu o Puanga ngā marae.
Ko David Mako tōku Koro.

Ko Rawiri Mako rāua ko Jocelyn Hucker ōku mātua. Ka moe ōku mātua ka puta ko angiau. Ko Sarah Katarina Mako tōku ingoa.

3. My full name is Sarah Katarina Mako.

4. I am a practising planner and currently hold the position of Pou Taiao Matua (Senior Environmental Policy Advisor) at Te Kotahitanga o Te Atiawa Trust (maternity leave). I have held this position since 2019.

5. I have over 10 years' experience as a planner working in local authorities within New Zealand and the United Kingdom, as well as at Te Kotahitanga o Te Atiawa, the post settlement governance entity for Te Atiawa. In local authorities I have processed a variety of resource consent and planning applications, monitored resource consent conditions for compliance and been involved in enforcement action proceedings.

6. My role at Te Kotahitanga o Te Atiawa has predominantly involved supporting Te Atiawa iwi, hapū, marae and whānau to achieve better outcomes through policy, planning and engagement. During the New Plymouth District Plan hearings in 2021 and 2022, I coordinated the tangata whenua groups including supporting the preparation and presentation of evidence to the Independent Hearing Panel. This included the preparation and presentation of my own planning evidence to many hearings, including the hearings that considered the provisions in relation to papakāinga and Māori Purpose Zone. I have provided resource management advice to Te Atiawa Iwi Limited Partnership (commercial subsidiary of Te Kotahitanga o Te Atiawa) in relation to papakāinga, as well as resource management advice to developers on communal housing developments.

7. I hold several governance roles across Taranaki, including being the Secretary for Ngāti Hāua Whānui Incorporated Society, the mandated organisation for Ngāti Hāua Hapū.
8. I hold a Bachelor of Resource and Environmental Planning (Hons.) from Massey University, Palmerston North.

B PURPOSE AND SCOPE OF THIS EVIDENCE

9. This purpose of this evidence is to address:
 - a. The recommendations of the Section 42A Report: Plan Change 3: Papakāinga, specifically:
 - i. Additional whenua and papakāinga context in Ngāruahine.
 - ii. Key issues one to three.
 - iii. Recommended provisions to better address the resource management issue.
10. In preparing this evidence I have reviewed:
 - a. South Taranaki District Council Section 32 Report: Papakāinga Development.
 - b. South Taranaki District Council Section 42A Report: Plan Change 3: Papakāinga Development, including appendices.
 - c. Ngāti Hāua Hapū submission and further submission and submissions of others.
 - d. Te Uru Taiao o Ngāruahine, the Ngāruahine Kaitiaki Plan – relevant planning document recognised by Ngāruahine.
11. I confirm I have read and comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. In particular, unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

C WHENUA AND PAKAKĀINGA CONTEXT IN NGĀRUAHINE

12. In preparing this evidence, I have relied on the evidence of Mr Karl Adamson, Chairperson of Ngāti Hāua Hapū and the evidence of Mrs Te Aorangi Lauren Dillon, Tumu Whakarae (Chief Executive) of Te Korowai o Ngāruahine Trust, the post settlement governance entity ('PSGE') for Ngāruahine.
13. As a Māori resource management practitioner, I understand papakāinga are important for and to tangata whenua. However, whilst I understand there are aspirations for papakāinga in South Taranaki I am not familiar with any papakāinga specifically within the rohe of either Ngāti Hāua Hapū or Ngāruahine Iwi. I understand that the rohe of hapū and iwi are defined by tongi and kōrero and the areas within those tongi the whenua and all of the natural and physical resources is what is determined as ancestral lands (I acknowledge mana moana as well and the direct relationship with tangaroa). These ancestral lands are where our tūpuna have walked and where our mokopuna will continue to walk.
14. I understand that papakāinga is not only a housing solution for Māori, but also a way of life that recognises and provides for the relationship of Māori, of tangata whenua, with their culture and traditions with their ancestral lands. Papakāinga embeds whakapapa. It is an active physical, spiritual and traditional representation and reflection of kaitakitanga, whanaungatanga and tino rangatiratanga. I note that the Resource Management Act 1991

(‘the Act’ or ‘the RMA’) specifically provides for this relationship in accordance with section 6(e) as a matter of national importance, for the exercise of kaitiakitanga as an other matter in accordance with section 7(a) and the principles of the Treaty of Waitangi, including rangatiratanga, in accordance with section 8.

15. I understand that the muru me te raupatu and colonisation has had devastating effects for Ngāti Hāua Hapū, for Ngāruahine and the whanaunga iwi and hapū across the Taranaki rohe. Muru me te raupatu has led to the severe fragmentation of whenua in South Taranaki through successive legislation and policy regimes, land tenure, land status and ownership models. Māori Land as defined under Te Ture Whenua Māori Act 1993 does exist within Ngāti Hāua Hapū rohe.
16. I understand there are known barriers to providing for the relationship of Ngāti Hāua Hapū on these ancestral lands. These barriers being that this whenua is often required to be leased to ensure payment of rates, as well as the ownership model including multiple, sometimes hundreds of owners. These matters have continued to disempower Māori and further degrade our relationship with our ancestral lands.
17. Similarly, as outlined in the evidence of Mrs Te Aorangi Dillon, the establishment of Te Korowai o Ngāruahine as a PSGE in South Taranaki has not changed this underlying issue with respect to land titles. Deferred settlement properties (‘DSP’) under the Ngāruahine Deed of Settlement have not dramatically changed the access to whenua within which the establishment of papakāinga around the South Taranaki District could occur. In any respect, these DSP properties are on general title land, and many come with challenging development conditions.
18. I understand mana whenua, including Ngāti Hāua Hapū through the evidence of Mr Karl Adamson, have raised concerns regarding advice being sought from PSGEs with respect to ancestral connections to whenua as outlined in the advice notes against various rule provisions subject to Plan Change 3. Mrs Te Aorangi Dillon has also raised concerns about the actual implementation of this and confirmed this advice should be engaged from mana whenua.
19. I consider this additional context is necessary to ensure an enabling planning response for papakāinga is provided which addresses the original five issues identified in the Section 32 Report.

D CONSIDERATION OF KEY ISSUES

Key Issue 1: Ancestral land v land owned by tāngata whenua

20. I agree with the Ngāti Hāua Hapū original submission that ‘ancestral land’ is a term that does not require definition. I understand the term has been tested through the Courts and it is my opinion that defining it for the purposes of papakāinga is unnecessary and could have perverse outcomes for the application of the South Taranaki District Plan in its entirety (particular application of section 6(e) of the RMA).

21. I note that from a plan user perspective the definition does a lot of the 'heavy lifting', in the absence of an appropriate rule framework. In my view this is not the most appropriate or efficient manner to use definition provisions.

Key Issue 2: Pathways for papakāinga on land not held under Te Ture Whenua Māori Act

22. The Section 42A report notes at paragraph no. 92, *'The proposed approach allows for papakāinga development on Māori freehold land, Māori customary land and Crown land reserved for Māori (land held under the Te Ture Whenua Māori Act) as a permitted activity. There is a consenting pathway for papakāinga on other types of land (general title land) as a restricted discretionary activity to ensure that applicants demonstrate their ancestral connection and that the land will be held in long-term ownership'*.
23. At paragraph 94 the report goes on to state *'The key reason that Council took this approach (to require that long-term Māori ownership is demonstrated by way of legal mechanisms through the resource consent process) was because Council recognises that Māori land is a taonga which is handed from generation to generation, therefore it was considered appropriate that any future development enabled on general land owned by Māori (including Treaty Settlement land) should be for the benefit of the hapū/whānau that whakapapa to the land, and not sold outside of the whānau/hapū. Secondly, it seeks to ensure the enabling papakāinga provisions are not used perversely by private developers, non-Māori, or others who do not have ancestral connections to the whenua'*.
24. In terms of the statements regarding the requirement for demonstration of ancestral connection, the need for whenua to be held in long-term ownership and to ensure the provisions will not be used perversely by private developers, non-Māori or others who do not have ancestral connections to the whenua, I note no evidence was provided in the Section 32 or Section 42A reports to support that these matters are in fact resource management issues for the South Taranaki district.
25. I am of the opinion that an appropriately worded permitted activity rule could enable most papakāinga to be permitted¹, irrelevant of land tenure (it is unclear what the resource management issue is to differentiate between different land titles, status or long-term ownership), provided appropriate performance standards apply, for example the submission of evidence to support whakapapa/ ancestral lands connection. I consider this is an appropriate mechanism that would ensure papakāinga are retained and not able to be sold to someone who is not mana whenua.
26. Further to this the reporting officer has suggested that the approach is similar to the papakāinga provisions provided for in District Plans by other councils including Hastings District Council, Whangārei District Council, Kāpiti Coast District Council and Porirua City Council. It is unclear from the Section 42A report if there are any similarities in context that exist for these Councils and the relationship of tangata whenua with their ancestral lands,

¹ I state 'most' here as I do consider a rule framework is still required where there may be non-compliance with bulk and location performance standards (controlled activity) and papakāinga for Māori who are not tangata whenua (restricted discretionary activity)

including whether or not *whenua* has caused large scale land confiscation and fragmentation of *whenua*, as it has in South Taranaki.

27. I understand from the submissions of Ngāti Hāua Hapū that there could be an element of comfort from Ngāti Hāua Hapū with Māori who do not *whakapapa* to the *whenua* wishing to establish *papakāinga*; however, this is subject to engagement with Ngāti Hāua Hapū to inform the proposal. Therefore, in this instance I would be comfortable with retention of the restricted discretionary activity status and rule. I understand this approach is consistent with provisions of the Hamilton District Plan as described in the Te Puni Kōkiri 2024 report titled *Analysis of District Plan Papakāinga Rules*.² In my opinion that as colonisation is one of the causes of displacement of Māori around Aotearoa it is appropriate to acknowledge this in the rule framework subject to engagement with *tangata whenua*.

Key Issue 3: Bulk and Location

28. Ngāti Hāua Hapū and Te Korowai o Ngāruahine Trust sought in their submissions a relaxation of the rules in relation to bulk and location in the Rural Zone for *papakāinga*.³ I understand the reason for these submissions was to ensure *whenua* can be developed in a way that meets *iwi*, *hapū*, *whānau*, *marae* and *uri* aspirations, their culture and traditions. The submission recommended that the same or similar bulk and location requirements to those within the Parihaka Cultural Area.
29. The Section 42A report at paragraph 119 describes the bulk and location standards provided specifically for buildings in the Parihaka Cultural Area and at paragraph 120 refers to section 2.7 of the South Taranaki District plan which explains that the reasons for the specific provisions for Parihaka is due to its historical significance and future aspirations. Site specific provisions are in place to manage the nature and scale of future development and activities while also ensuring adverse effects are avoided, remedied or mitigated in the Parihaka context.
30. The Section 42A report concludes that the standards with controls on building size, scale and location are necessary to control potential adverse effects on the environment. The report references effects on character and amenity, and potential reverse sensitivity effects on existing land uses⁴. That providing for *papakāinga* may have adverse effects on the surrounding environment,⁵ and without any maximum density restrictions for *papakāinga* the framework is considered to be enabling and appropriate.⁶
31. I understand that character is a function of the physical attributes of a place, as well as the experiential and emotional connections people have with a place.

² Specifically page 22 of the report, available at the following webpage:

<https://www.tpk.govt.nz/documents/download/documents-3713-A/2024%2008%2005%20Analysis%20of%20District%20Plan%20Papak%81ingaRules%20updated.pdf>

³ Te Korowai o Ngāruahine Trust also sought the relaxation of bulk and location rules in other zones

⁴ Paragraph 122

⁵ Paragraph 123

⁶ Paragraph 124

32. In the absence of clearer description in the Plan Change 3, it is unclear what character and amenity effects the Council is seeking to manage in the event reduced bulk and location standards were sought for papakāinga. In this instance I agree with the submissions of Kāinga Ora given that papakāinga are not a common physical presence in the existing or predominant character and amenity of the various environments and zones in the district, requiring consideration could be harmful to realisation of papakāinga. Removing the amenity and character consideration will ensure explicit direction to the District that the change is imminent, anticipated and the intention of the plan provisions are to support and empower tangata whenua in establishing papakāinga.
33. With respect to the character of the area of South Taranaki district within Ngāti Hāua, and the district generally I make the following observations:
- a. that marae are one of the physical, traditional and spiritual representations of the relationship Māori have with their culture and traditions with their ancestral lands. Marae form part of the character of those areas where they are located, and the character and the amenity of marae must be protected.
 - b. that ancestral lands in of themselves also form part of the character. However, the ancestral lands and the relationship of Māori with this whenua often has a character that is not always physically represented or manifested and instead is absorbed into the immediate and surrounding land uses, activities and landscapes. The relationship of tangata whenua with natural and physical resources being an intimate part of the character of an area.
 - c. That Papakāinga are an example of a physical, traditional and spiritual manifestation that will form part of the character and amenity of an area. This is particularly important to note where papakāinga area permitted activity and form an element of a permitted baseline. In my view the provision of Plan Change 3 should also seek to protect papakāinga from incompatible land uses that have the potential to erode their character, reverse sensitivity issues. In my opinion, it is reasonable for plan users, applicants and the STDC to give significant weight to the future environment for papakāinga, given the express purpose of this plan change.
34. It is therefore my opinion that in the absence of reduced bulk and location standards for papakāinga and the use and development of ancestral lands by tangata whenua explicit reference must be made to papakāinga forming part of the ensuing character of zones. This will ensure that in the consideration of any resource consents for reduction in the bulk and location standards, consideration is given to the description of the existing and future environments character and amenity, as well as reverse sensitivity issues and impacts on papakāinga and ancestral lands.

Enabling papakāinga

35. In my opinion the proposed plan change has not addressed the key resource management issue for papakāinga which is to provide an enabling pathway to realise papakāinga on general title land in line with the aspirations of tangata whenua. I have been unable to determine what the 'enabling' factor is in Plan Change 3, when the starting point for all papakāinga is not a

permitted activity. Instead Plan Change 3 relies on land tenure rather than the on-going and enduring relationship of Māori with our ancestral lands as a key determining factor. It is clear in the evidence of Mr Karl Adamson that Ngāti Hāua Hapū have future aspirations for papakāinga. Resource consent will either be required for development on general title land or an application will be required to be made to the Māori Land Court to convert the whenua to Māori Land under Te Ture Whenua Māori Act 1993 to realise this aspiration. Each of these pathways have their own risks, costs and challenges. Instead, Ngāti Hāua should be empowered through an enabling South Taranaki District Plan to provide for papakāinga. Any fear of misuse of the papakāinga rule framework would, in my opinion, constitute a breach of Te Tiriti o Waitangi. A simple, yet effective and efficient rule framework will attract investment in the South Taranaki district.

E RECOMMENDED PROVISIONS TO BETTER ADDRESS THE RESOURCE MANAGEMENT ISSUE

36. I make the following recommendations to better address the key resource management issue under consideration through Plan Change 3; to enable papakāinga development on general title in accordance with the aspirations of tangata whenua:

- a. That the papakāinga provisions be broadened to enable papakāinga by tangata whenua as a permitted activity.
- b. that the proposed definition Papakāinga definition should be less reliant on the tenure of land and instead focus on and empower tangata whenua to undertake papakāinga on their enduring ancestral lands. As mentioned earlier in this evidence, I have experience in providing advice to PSGEs regarding papakāinga and developers regarding communal housing developments. Whilst communal housing developments can be undertaken by all, only papakāinga can be undertaken tangata whenua. I consider this differentiation in the definition and its application through the rule framework is more efficient and effective than the proposed. The benefits are that tangata whenua will be empowered to undertake papakāinga and the costs in terms of the number of resource consent applications received by STDC are likely to be reduced.
- c. that following amendments to the Papakāinga definition, consequential amendments to the rule framework including performance standards, matters over which the Council reserves its control and matters to which the Council restricts its discretion be made. Consequential amendments would also be required to the relevant objectives and policies.
- d. that as a result of these changes, 'ancestral land' and 'General Title Land (In Relation to Papakāinga)' would be deemed surplus and can be deleted.

F CONCLUSION AND RECOMMENDATIONS

37. To address the issues that I have raised, this evidence recommends:
- a. Acknowledgement of the on-going effects and impacts of the *murū me te raupatu* and colonisation and its place when considering resource management issues.
 - b. Amend the Papakāinga definition to be less reliant on land tenure and reflect the activity is undertaken and established by *tangata whenua*.
 - c. Delete the definition of Ancestral Land.
 - d. Delete the definition of General Title Land (In relation to Papakāinga).
 - e. Support the definition of Marae.
 - f. Undertake amendments to provide for papakāinga by *tangata whenua* as a permitted activity (irrelevant of land tenure), subject to performance standards.
 - g. Undertake consequential amendments to reflect the permitted activity for papakāinga on all land tenure types in the relevant objectives and policies.
 - h. Amend the performance standards to remove matters over which the Council reserves its control and matters to which the Council restricts its discretion with respect to character and amenity for papakāinga.
 - i. Amend relevant policies and objectives to reflect the consequential amendments in relation to the rule framework, including explanation of policies and description of land uses in each zone.

Sarah Katarina Mako

26 February 2025

BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL HEARING COMMISSIONERS

IN THE MATTER OF The Resource Management Act 1991

AND The South Taranaki District Plan

AND Plan Change 3: Papakāinga

9

STATEMENT OF EVIDENCE OF TE AORANGI LAUREN DILLON

ON BEHALF OF TE KOROWAI O NGĀRUAHINE TRUST

DATED 4 MARCH 2025



PO Box 474
Te Hāwera
4640

Submitter No. 3

A INTRODUCTION AND STATEMENT OF EXPERIENCE

1. *Mai Tangaroa ki Tawhiti pamamao, Hawaiki pamamao*

Tawhitiroa, Hawaikiroa, Tawhitinui, Hawaikinui, Aotearoa

E tu, e tu ki uta

E tu, e tu ki tai

Tae noa ki te ngutu awa o Waingongoro ki Taungatara

Piki ake ki te tihi o Maunga Taranaki

Huri noa ki te Tonga

Haere tonu ki te Awa o Waingongoro, o Ngaruahine, Ngaruahinerangi

E pai, te pononga pai

E kotiti, te pononga pai

Haumi e! Hui e! Taiki

2. He uri ahau tēnei nō Ngāruahine, Ngāti Rangitihī, Mōkai Patea me Waikato.

3. My full name is Te Aorangi Lauren Dillon.

4. I am Tumu Whakarae (Chief Executive Officer) at Te Korowai o Ngāruahine Trust (**‘Te Korowai o Ngāruahine’** or **‘Te Korowai’**) – the Post Settlement Governance Entity (**‘PSGE’**) for managing the Treaty settlement assets for Ngāruahine. I have been Tumu Whakarae for three years. Prior to becoming Tumu Whakarae, I was one of two Ngāti Hāua Hapū trustees and one of 12 trustees on the Board of Te Korowai o Ngāruahine.

5. I have a Poutuaronga Toiora Whānau Bachelor of Social Work from Te Wānanga o Raukawa, Kaitiakitanga – Postgraduate Diploma in Bi-Cultural Professional Supervision from Te Wānanga o Aotearoa, Kāpunipuni Reo Certificate in Taranaki Oral Language from Te Reo o Taranaki and Te Tohu Mohiotanga Diploma in Māori Language from the Western Institute of Technology at Taranaki. I practised as a Toi Ora Whānau Practitioner across the Taranaki region between 2013 and 2022. I am active in all of my Ngāruahine marae and hapū. I currently hold the following additional roles:

- Director/ Shareholder, Te Korowai o Ngāruahine Custodian Company Limited
- Whānau Whakahaere, Te Kura o Ngāruahine
- Trustee, Te Kura o Ngāruahine
- Director, Te Tōpuni Ngārahu General Partnership Limited
- Committee of Management, Te Tōpuni Ngārahu General Partnership Limited
- Director, Ngāti Hāua Whānui Holding Company Limited

6. I have previously been a Trustee on Te Korowai o Ngāruahine (2020 - 2022) and a Board Member on Taranaki/ Whanganui Conservation Board (2020 - 2022).
7. I attended the South Taranaki District Council ('STDC' or 'Council') Ngā Kaitiaki Group hui on Wednesday 1 November 2023 in my capacity as Tumu Whakarae. The proposed plan change for papakāinga was discussed at that hui.
8. I am providing this statement of evidence in support of the submissions of Te Korowai o Ngāruahine.

B PURPOSE AND SCOPE OF THIS EVIDENCE

9. This evidence responds to:
 - a. The establishment of Te Korowai o Ngāruahine and Te Kīwai Mauī o Ngāruahine.
 - b. Ngāruahine Deferred Selection Properties ('DSPs') and Rights of First Refusal ('RFR') properties.
 - c. Muru me te raupatu and the on-going effects of colonisation.
 - d. Relevant Te Korowai o Ngāruahine documents:
 - i. Ka Ora Taku Toa – Te Korowai o Ngāruahine 2021-2026 Strategic Plan.
 - ii. Toitū te Whenua – Whenua Reacquisition Strategy.
 - iii. *Te Uru Taiao o Ngāruahine* – the Ngāruahine Kaitiaki Plan 2021 (relevant planning document recognised by Ngāruahine).
 - e. Te Korowai o Ngāruahine response to issues discussed in the section 42A report.
10. In preparing this evidence, I confirm I am familiar with the following:
 - a. The South Taranaki District Council Plan Change 3: Papakāinga ('Plan Change 3') documents.
 - b. The Section 42A report for the Plan Change 3.
 - c. The Te Korowai o Ngāruahine submission to Plan Change 3.

C TE KOROWAI O NGĀRUAHINE AND TE KĪWAI MAUĪ O NGĀRUAHINE

11. Te Korowai was established as the PSGE responsible for managing the Treaty settlement assets of Ngāruahine, as the result of the signing of a Deed of Settlement between Ngāruahine and the Crown in 2014 ('Deed of Settlement'). There is a board of 12 trustees elected to provide governance over these assets and to advocate for the collective interests of Ngāruahine.
12. The Deed of Settlement sets out the details of the settlement redress and associated arrangements and resourcing provided to Ngāruahine by the Crown. The Ngāruahine Claims Settlement Act 2016 ('Act') sets out the Crown acknowledgements and apology and gives effect to certain provisions of the Deed of Settlement that settles the historical claims of Ngāruahine.
13. Te Kīwai Mauī o Ngāruahine Limited ('Te Kīwai Mauī') is the commercial subsidiary of Te Korowai, wholly owned and controlled by Te Korowai. Te Kīwai Mauī was established in 2018 and is responsible for the commercial investment and holding assets secured by the Deed of

Settlement. A Board of five directors oversees Te Kīwai Mauī, three independently appointed and two trustee directors who are charged with managing these assets and generating returns that can be distributed to Te Korowai to further the social, cultural and developmental objectives.

14. It is necessary to acknowledge that whilst Te Korowai o Ngāruahine advocate for the interests of Ngāruahine, Te Korowai as an organisation is not the iwi – Te Korowai is a PSGE, it is only one part of Ngāruahine iwi.

D DEFERRED SELECTION PROPERTIES AND RIGHT OF FIRST REFUSAL PROPERTIES

15. One of the financial and commercial redress components of the Deed of Settlement is what are known as Deferred Selection Properties ('DSPs'). These are properties where Te Korowai o Ngāruahine has a right to elect to purchase the DSPs described in the Deed of Settlement Schedule: Property Redress.¹ There are 10 DSPs listed in the Ngāruahine Deed of Settlement and the process for acquiring these DSPs, including valuation and notices, are prescribed in detail in the Deed of Settlement. Regardless of the cultural significance of these properties to Ngāruahine, we are required to purchase these properties from the Crown at an agreed market valuation.
16. The DSPs in the Ngāruahine Deed of Settlement are all properties which were previously owned by the Crown but were deemed surplus to requirements. I understand if the properties were deemed surplus by the Crown, they were placed into a "Landbank" to be held for use in Treaty settlement. When/ if these properties are purchased, they are returned as general title land.
17. The Deed of Settlement also provides for the vesting of four cultural redress properties in Te Korowai, being Te Kohinga, Te Ngutu o te Manu (Site A), Waipakari (all to be administered as reserves) and Te Poho o Taranaki (vest in fee simple). In addition, the Deed of Settlement provided for Te Korowai and STDC to enter negotiations for the purchase of two sites of cultural significance – Te Ngutu o te Manu (Site B) and Kaipi Street.
18. Further to this, Ngāruahine has an area right of first refusal over specified Crown land within the Ngāruahine exclusive area of interest for a period of 172 years in the Deed of Settlement. A shared area of interest with Taranaki Iwi is provided in the Deed of Settlement for right of first refusal.

E MURU ME TE RAUPATU AND THE ON-GOING EFFECTS OF COLONISATION

19. Muru me te raupatu – the plundering and confiscation of land – has caused Ngāruahine, along with our whanaunga iwi in Taranaki, to suffer at the hands of the Crown. The Waitangi Tribunal in the findings of Wai 143, the *Muru and Raupatu of the Taranaki Land and People*, recognises land deprivation and disempowerment as being the foundations the Taranaki Māori claims were founded on. Disempowerment, unfortunately described as the main foundation, being

¹ Ngāruahine and the Trustees of Te Korowai o Ngāruahine Trust and the Crown (2014). Ngāruahine Deed of Settlement Schedule: Property Redress, <https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngaruahine/DOS_documents/Ngaruahine-Property-Redress-Schedule-1-Aug-2014.pdf>

'the denigration and destruction of Māori autonomy or self-government'.² The Waitangi Tribunal further concluded that as a result of these confiscations 'Taranaki Māori were dispossessed of their land, leadership, means of livelihood, personal freedom, social structure and values...The losses were physical, cultural and spiritual'.³

20. The Ngāruahine Claims Settlement Act 2016 states that in 1865 *'the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Ngāruahine rohe'*.⁴ The experience of these Crown actions by Ngāruahine are described in the phrase *'Muru, Raupatu, Muru Ano'*. The Crown left Ngāruahine almost landless and as a result has continued to create a sense of grievance which has accumulated over time.⁵ Whilst Ngāruahine has been through a Treaty settlement process, the on-going effects of confiscation, the sense of grievance, the physical, cultural and spiritual losses continue even though we have signed a Deed of Settlement. The barriers to regaining our land, our leadership, our means of livelihood, our personal freedom, our social structures and our values, are often constant.
21. Whilst Ngāruahine were landless at the time of signing our Deed of Settlement, Te Korowai, alongside ngā hapū o Ngāruahine, continue to work towards reacquiring whenua back for the benefit of Ngāruahine uri. However, in a bizarre situation, Ngāruahine are required to use the monies provided as compensation from the Crown for the muru me te raupatu of our land, to purchase the land back. I appreciate this hearing will not make decisions on historic grievances; however, I consider it is relevant context when considering what the STDC are trying to achieve through this plan change, particularly the enabling nature of the STDC District Plan for papakāinga. Recognising the on-going impacts of colonisation and muru me te raupatu for Ngāruahine uri should be an important consideration of the Hearing Panel.
22. Notwithstanding these on-going impacts, with the resources we have, Ngāruahine and Ngāruahine uri embody the legacy of our tūpuna Titokowaru in working to overcome these on-going impacts and not only survive, but to flourish and thrive – *'E kore au e mate, ka mate ko te mate, ka ora taku toa'*.

F RELEVANT TE KOROWAI O NGĀRUAHINE DOCUMENTS

Ka Ora Taku Toa

23. The strategic vision for Te Korowai o Ngāruahine, *Ka Ora Taku Toa*, guides the strategic plan framed around four strategic pou. Whilst the pou can be celebrated on their own, the objectives are best read intertwined with one another:
 - a. Tupua te Mauri (Taiao)
 - b. Poua te Pātūtū (Kāinga)
 - c. Te Kawa Whanakeora (Mahi)

² Waitangi Tribunal (1996). The Taranaki Report Kaupapa Tuatahi, at page 5, <https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68453721/Taranaki%201996.compressed.pdf>

³ Ibid, at page 13

⁴ Ngāruahine Claims Settlement Act (2016). Section 8(2), <<https://www.legislation.govt.nz/act/public/2016/0093/latest/DLM6536727.html>>

⁵ Ngāruahine and the Trustees of Te Korowai o Ngāruahine Trust and the Crown (2014). Ngāruahine Deed of Settlement of Historical Claims, <https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngaruahine/DOS_documents/Ngaruahine-Deed-of-Settlement-1-Aug-2014.pdf>

d. Ngāruahinetanga

24. Poua te Pātūtū seeks to ensure Ngāruahine uri have access to warm and healthy housing. This will be achieved through Te Whirinakitanga (supply), Whakatinanahia (research and support) and Pupuke te Mahara (capability building). Te Korowai o Ngāruahine are supportive of and will support papakāinga and innovative housing developments by and for Ngāruahine. Kāinga (housing) must be provided in a way which ensures intergenerational wellbeing; with options that fit the needs of Ngāruahine uri and whānau; as well as with options for home ownership.

Toitū te Whenua

25. Te Korowai o Ngāruahine developed the Toitū te Whenua – Whenua Reacquisition Strategy (2022) in response to the decision to purchase the 10 DSPs identified in the Deed of Settlement.⁶ A partnership/ ownership model has been developed with the six hapū of Ngāruahine – Ngāti Hāua, Ngāti Tū, Ōkahu-Inuawai, Kanihi-Umutahi, Ngāti Manuhiakai and Ngāti Tamaahuroa Tītahi – which will see the DSPs returned to the respective hapū through a Special Purpose Vehicle ('SPV') mechanism between hapū and Te Korowai.
26. The SPV model will enable hapū to purchase the DSPs overtime, whilst Te Korowai can work purposefully to support hapū capability and capacity building and transition, as well as hapū aspirations for their whenua. I understand those whenua aspirations for many Ngāruahine hapū may include the development of papakāinga, aspirations that must be enabled and reflected irrelevant of the tenure and underlying title of the whenua. Each hapū has completed papakāinga feasibility studies for the DSPs, as an option for whenua use, investment and development.
27. Te Korowai o Ngāruahine also approved the Whenua Reacquisition Policy in 2023 which outlines the process for the reacquisition of RFR properties and cultural redress properties by ngā hapū o Ngāruahine. The acquisition of RFR properties and cultural redress properties by Te Korowai is prescribed in the Deed of Settlement; however, the process is different to DSPs and therefore requires a different model and consideration.

Te Uru Taiao o Ngāruahine

28. STDC turned their mind to Te Uru Taiao o Ngāruahine in the section 32 report for Plan Change 3.⁷ The section 42A report writer has confirmed no changes have been made to Iwi Management Plans since Plan Change 3 was notified.⁸ Whilst key issues, objectives and methods for implementation specifically in relation to papakāinga have been identified in Te Uru Taiao o Ngāruahine, these cannot and should not be read in isolation from other key

⁶ Ngāruahine and the Trustees of Te Korowai o Ngāruahine Trust and the Crown (2014). Ngāruahine Deed of Settlement Schedule: Property Redress, <https://www.tearawhiti.govt.nz/assets/Treaty-Settlements/FIND_Treaty_Settlements/Ngaruahine/DOS_documents/Ngaruahine-Property-Redress-Schedule-1-Aug-2014.pdf>

⁷ STDC (2024). Section 32 Report: Papakāinga Development, section 3.4.1, <<https://www.southtaranaki.com/repository/libraries/id:27mlbegko1cxbyf94es5/hierarchy/Documents/Papakāinga%20Development/April%202024%20consultation/Section%2032%20Assessment.pdf>>

⁸ STDC (2025). Section 42A Report: Plan Change 3: Papakāinga Development, para. 54, <<https://www.southtaranaki.com/repository/libraries/id:27mlbegko1cxbyf94es5/hierarchy/Documents/District%20Plan/Section%2042A%20Report/Section%2042A%20Report.pdf>>

Ngāruahine values, objectives and methods. This is because papakāinga enable Ngāruahine uri and whānau to live on their whenua in a way that is grounded on traditional understandings, on the moemoeā and values of our tūpuna and on tikanga. In terms of the values described in Te Uru Taiao o Ngāruahine, papakāinga are an active expression of kaitiakitanga, kotahitanga, mana motuhake, mana moana, mana whenua, mauri, Ngāruahinetanga, tikanga, ūkaipōtanga, whanaungatanga and mähakitanga – papakāinga, are not only a housing option, they are a way of life.

G TE KOROWAI O NGĀRUAHINE RESPONSE TO THE SECTION 42A REPORT
TE KOROWAI O NGĀRUAHINE RESPONSE TO THE SECTION 42A REPORT

29. This section responds specifically to:
- a. Engagement with tangata whenua on papakāinga proposals.
 - b. Reliance on Māori Land definitions under Te Ture Whenua Māori Act 1993.
 - c. Iwi Authority vs Tangata Whenua.
 - d. Financial and Development Contributions for Papakāinga.
 - e. Papakāinga on ancestral land contributes to the character of the district

Engagement with tangata whenua on papakāinga proposals

30. The section 42A report describes the method of engagement and consultation with the community to inform the plan change proposals and the notification process. I am not familiar with Schedule 1 of the Resource Management Act 1991 ('RMA'); however, whilst there has been some engagement from hapū, whānau, PSGEs and Māori organisations in the Plan Change 3 process, I am concerned that there may be many more who have aspirations for papakāinga and who have missed the opportunity to participate in this process. I acknowledge this is outside of the scope of this plan change process, I recommend that STDC, alongside tangata whenua, develop an improved tangata whenua engagement process for the broader District Plan review, this may include exploring opportunities to expand the Ngā Kaitiaki Roopū, which currently has a limited membership. Tangata whenua must be engaged and resourced to participate in the District Plan review.
31. It is relevant to include this commentary because the effects and impacts of muru me te raupatu continue to be felt across Ngāruahine. The lack of engagement by STDC could be seen as further disempowerment, as concluded by the Waitangi Tribunal.

Reliance on Māori Land definitions under Te Ture Whenua Māori Act 1993

32. The section 42A report suggests that providing a permitted activity status for papakāinga on land held under Te Ture Whenua Māori Act 1993 ('Te Ture Whenua') (because it is ancestral land), and a restricted discretionary activity status for papakāinga on other land, such as general title land (where ancestral connections may not be clear), is enabling because a consenting pathway has been provided for general title land.
33. I am somewhat familiar with the application of activity statuses under the RMA, I understand one of the uses of activity statuses is to manage effects of activities and uses. I am concerned that land tenure, a construct of colonisation, is being used in a rule framework with differing activity statuses to determine ancestral land connections and the relationship of Māori with our whenua. This is particularly concerning given DSPs are returned as general title land.

34. I consider relying on land tenure could further exacerbate the on-going effects and impacts of the muru me te raupatu for Ngāruahine, rather than empower tangata whenua, support our tino rangatiratanga and mana Motuhake, for the purposes of papakāinga and reflect the enduring relationship of Māori with the whenua, irrelevant of underlying land tenure and zoning. It is my understanding that all land within the rohe of a hapū is ancestral land, whenua is part of the identity of tangata whenua and is a taonga tuku iho. This identity and the enduring relationship with whenua forms part of the character and amenity of the Ngāruahine rohe. It remains unclear to me what effects of papakāinga are required to be managed through differing land tenures. For this reason, I consider it is inappropriate to define ancestral land for the purposes of development of papakāinga.

Iwi Authority v Tangata Whenua

35. I understand Te Korowai o Ngāruahine are an iwi authority for resource management purposes, as described under section 2 of the RMA. I note the section 42A report recommends that for a particular rule, *'...the Council will obtain advice from the relevant iwi authority and will take this advice into account'*. I am of the opinion that it would be more appropriate for engagement to be undertaken with tangata whenua regarding relationships to whenua. Whilst Te Korowai o Ngāruahine Trust does maintain a register of members, this is in accordance with the Te Korowai o Ngāruahine Trust Deed and Te Korowai are bound by Privacy Act 1983 requirements.

Financial/ Development Contributions for Papakāinga⁹

36. Te Korowai o Ngāruahine made a submission seeking the removal for the requirement of financial/ development contributions for papakāinga, consistent with the Te Korowai submission to the STDC Draft Long-Term Plan 2024 – 2034. . The removal of the financial/ development contributions on papakāinga would remove further barriers for iwi, hapū, marae, whānau and uri in the development of papakāinga.
37. The Section 42A report suggests the submissions of Te Korowai are out of scope of Plan Change 3, no changes to the financial contribution provisions have been considered. The submissions were rejected because *'Given the risk that persons affected by the changes sought will not have an effective opportunity to respond if these submissions are considered in this plan change'*.
38. I disagree that the submissions of Te Korowai in relation to the removal of financial/ development contributions for papakāinga are out of scope. The reasoning that persons affected may not have had an opportunity to respond suggests that those who did not submit should be prioritised over those who actively engaged in the process. Furthermore, the removal of financial/ development contributions for papakāinga aligns with the objectives and policies of Te Uru Taiao, Local Government Act 2002,¹⁰ section 6(e) of the RMA and the Te Korowai o Ngāruahine *Poua te Patūtū Kāinga Strategy*.

⁹ Te Korowai o Ngāruahine submission points 3.35 and 7.1

¹⁰ Specifically Section 14(1)(d) and (1)(e)

39. I maintain that the removal of financial and development contributions for papakāinga is a necessary step to reduce barriers for iwi, hapū, marae, whānau, and uri in developing papakāinga, irrelevant of land tenure, status and zoning.

Papakāinga on ancestral land contributes to the character of the district

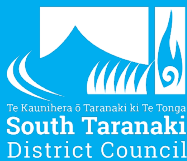
40. The Council has recommended rejection of Te Korowai o Ngāruahine submission points 3.13, 3.19, 3.25 and 3.30, which related to the removal of the bulk and location performance standards in relation to Papakāinga in the Residential, Township, Commercial and Rural Zones (as the takiwā of Ngāruahine is affected by these STDC District Plan zones).
41. The council's position is that the existing performance standards in the above-mentioned zones, including bulk and location rules), are necessary to maintain the character and amenity values of the area.
42. It is my opinion that this rejection fails to recognise the unique nature of papakāinga, the relationship of Māori with our ancestral lands and the need for greater flexibility to support papakāinga on ancestral land. Ancestral land, whilst not always in the 'ownership' of tangata whenua, our relationship with the whenua is enduring and contributes to the character and amenity of an area. Papakāinga development on ancestral land is limited in Ngāruahine rohe and removing the bulk and location requirements for papakāinga structures and buildings acknowledges the scarce and special nature of ancestral land to tangata whenua. This is consistent with section 6(e) and 8 of the RMA.

H CONCLUSION AND RECOMMENDATIONS

39. To address the issues that I have raised, this evidence recommends:
- a. Recognise the on-going impacts of muru me te raupatu and colonisation on Ngāruahine and Ngāruahine uri.
 - b. STDC, alongside tangata whenua, develop an improved tangata whenua engagement process for the broader District Plan review.
 - c. Recognise the impacts of successive legislation affecting the relationship of Māori with their ancestral lands.
 - d. Enable papakāinga through the relationship with whenua, rather than the type of land tenure.
 - e. Require advice from tangata whenua for the purposes of determining relationships with ancestral lands.
 - f. Remove financial/ development contributions for papakāinga.
 - g. Remove the bulk and location performance standards for papakāinga in the Residential, Township, Rural and Commercial Zones.

Te Aorangi Lauren Dillon

4 March 2025



Karakia

10. Karakia

Ruruku Whakakapi – Closing Prayer

Unuhia, unuhia

Unuhia ki te uru tapu nui

Kia wātea, kia māmā te ngākau, te

tinana, te wairua i te ara takatū

Kia wātea, ka wātea, āe rā, kua wātea

Rire rire hau pai marire!

Draw on, draw on,

Draw on the supreme sacredness

To clear, to free the heart, the body and the

spirit of mankind

To be clear, will be clear, yes is cleared.

Deeply in peace!